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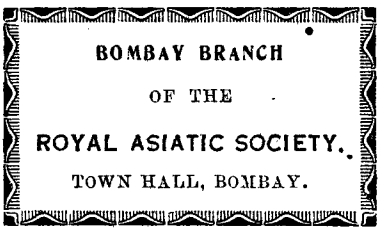

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796

SPEECHES AND PASSAGES

Of This

GREAT and HAPPY

Parliament:

44610

From the third of *November*, 1640, to this instant *June*, 1641.

Collected into One Volume, and according to the most perfect Originalls, exactly published.

LONDON,

Printed for *William Cooke*, and are to be sold at his shop, at *Furnifalls-Inne gate*, in Holbourne, 1641.

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The KINGS Majeſties Firſt Speech in Parliament the third of *November*, 1640.

My Lords,

THe knowledge I had of the deſires of my Scottiſh Subjects, was the cauſe of my calling the laſt Aſſembly of Parliament, wherein had I beene beleeved; I ſincerely thinke, that things had not fallen out as now we ſee: But it is no wonder that men are ſo ſlow to beleeve that ſo great a ſedition ſhould be rarſed on ſo little ground. But now my Lords, and Gentlemen, the honour and ſafety of this Kingdome lying ſo neerely at the ſtake; I am reſolved to put my ſelf freely and cleerly on the love and affections of my Engliſh Subjects, as theſe *of my Lords that did wait on me at York*, very well remember I there declared. Therefore my Lords, I ſhall not mention mine own intereſt, or that ſupport I might juſtly expect from you, till the common ſafety be ſecured; though I muſt tell you I am not aſhamed to ſay, thoſe charges I have been at, have been meerly for the ſecuring and good of this Kingdome, though the ſucceſſe hath not been anſwerable to my deſires. Therefore I ſhall only deſire you to conſider the beſt way both for the ſafety and ſecurity of this Kingdome, wherein their are two parts chiefly conſiderable. Firſt, the chaſtiſing out of the Rebells. And ſecondly, that other, in ſatisfying your juſt grievances; wherein I ſhall promiſe you to concurre ſo

heartily and cleerely with you, that all the World may ſee my intentions have ever beene and ſhall be, to make this a glorious and flouriſhing Kingdome. There are only two things that I ſhall mention to you; Firſt, the one is to tell you that the Loane of money which I lately had from the City of *London*, wherein the Lords that waited on me at *Yorke* aſſiſted me, will only maintain my Armie for two moneths from the beginning of that time it was granted. Now my Lords, and Gentlemen, I leave it to your conſiderations, what diſhonour and miſchiefe it might be, in caſe for want of money my Armie be disbanded, before the Rebells be put out of this Kingdome. Secondly, the ſecuring the calamities the Northern people endure at this time, and ſo long as the treaty is on foot. And in this I may ſay not only they, but all this Kingdome will ſuffer the harme; therefore I leave this alſo to your conſideration, for the ordering of theſe great affairs whereof you are to treat at this time. I am ſo confident of your love to me, and that your care is for the honour and ſafety of the Kingdome, that I ſhall freely and willingly leave to you where to begin: only this, that you may the better know the ſtate of all the Affairs, I have commanded my Lord Keeper to give you a ſhort and free accompt of theſe things that have happened in this interim, with this Proteſtation, that if this accompt be not ſatisfactory as it ought to be. I ſhall whenſoever you deſire, give you a full and perfect accompt of every particular. One thing more I deſire of you, as one of the greateſt means to make this a happy Parliament; That you on your parts, as I on Mine, lay aſide all ſuſpition one of another, as I promiſed my Lords at *Yorke*; It ſhall not be my fault if this be not a happie and good Parliament.

The

The *Kings* ſpeech in Parliament the fift of *November*, 1640.

My Lords,

I do expect that you will haſtily make relation to the Houſe of Commons, of thoſe great affairs for which I have called you hither at this time, and for the truſt I have repoſed in them, and how freely I put my ſelfe on their love and affections at that time; and that you may know the better how to do ſo, I ſhall explaine my ſelfe concerning one thing I ſpake the laſt day. I told you the Rebells muſt be put out of this Kingdome; it's true, I muſt needs call them ſo, ſo long as they have an Armie that do invade us; and although I am under treaty with them, and I under my great Seale do call them Subjects, and ſo they are too, but the ſtate of my Affairs in ſhort is this. It's true, I did expect when I did will my Lords and great ones at *Yorke*, to have given a gracious anſwer to all your grievances; for I was in good hope by their wiſedomes and aſſiſtances to have made an end of that buſineſſe, but I muſt tell you that my Subjects of *Scotland* did ſo delay them, that it was not poſſible to end there: Therefore I can no wayes blame my Lords that were at *Rippon*, that the treaty was not ended, but muſt thanke them for their pains and induſtry, and certainly had they as much power as affections, I ſhould by that time have brought theſe diſtempers to a happy period; ſo that now the treaty is tranſported from *Rippon* to *London*, where I ſhall conclude nothing without your knowledge, and I doubt not but by your approbation; for I do not deſire to have this great work done in a corner, for I ſhall lay

open all the ſteps of this miſ-underſtanding, and cauſes of the great differences between Me and my Subjects of *Scotland*. And I doubt not but by your aſſiſtance to make them know their duty, and alſo by your aſſiſtance to make them return whether they will or no.

The *Kings* Speech to both the Houſes, *Ianuary* 25. 1640.

My Lords,

THe Knights, Citizens, Burgeſſes; The principall cauſe of my comming here at this time, is by reaſon of the ſlow proceedings in Parliament, touching which is a great deale of inconvenience.

Therefore I think it very neceſſary to lay before you the ſtate of my affairs as now they ſtand, therby to haſten (not interrupt) your proceedings.

Firſt, I muſt remember you that there are two Armies in the Kingdome, in a manner *maintained by you*, the very naming of which, doth more cleerly ſhew the inconvenience thereof, then a better tongue then mine can expreſſe.

Therfore in the firſt place, I ſhall recommend unto you the quick diſpatch of that buſineſſe, aſſuring you that it cannot reſt upon me.

In the next place I muſt recommend unto you the State of my Navie and Forts; the condition of both which is ſo well known unto you, that I need not tell you the particulars, only thus much; they are the Walls and defence of this Kingdome, which if out of order, all men may eaſily judge what incouragement it will be to

Our

Our enemies, and what diſheartning to our friends.

Laſt of all, (and not of the leaſt to be conſidered) I muſt lay before you the diſtractions that are at this preſent occaſioned through the cauſe of Parliament; for there are ſome men that more maliciouſly than ignorantly, will put no difference betweene Reformation, and alteration of government.

Hence it commeth that divine Service is irreverently interrupted, and Petitions in an ill way given in, neither diſputed nor denied. But I will enter into no more particulars, but ſhew you a way of remedie, by ſhewing you my cleer intentions, and ſome marke that may hinder this good worke.

I ſhall willingly and cheerfully concur with you for the Reformation of all Innovations both in Church, and Common-wealth, and conſequently that all Courts of Juſtice may be reformed according to Law. For my intentions is cleerly to reduce all things to the beſt and pureſt times as they were in the time of Queen *Elizabeth*.

Moreover, whatſoever part of my Revenue ſhall be found illegall or heavy to my Subjects, I ſhall be willing to lay down, truſting in their affections. Having thus cleerly and ſhortly ſet down my intentions, I will ſhew you ſome rubs, and muſt needs take notice of ſome very ſtrange (I know not what terme to give them) Petitions given in the name of divers Counties, againſt the eſtabliſhed government of the Church, and of the great threatnings againſt the Biſhops, that they will make them to be but a Cipher, or at leaſt taken away.

If ſome of them have incroached too much upon the Temporaltie (if it be ſo) I ſhall not be unwilling theſe things ſhould be redreſſed and reformed, as all other abuſes according to the wiſdome of former times; ſo farre I ſhall go with you, no farther.

If upon ſerious debate you ſhall ſhew that Biſhops have ſome Temporall Authority, not ſo neceſſary for the go-

vernment of the Church, and upholding Epiſcopall Juriſdiction; I ſhall not be unwilling to deſire them to lay it down, but this muſt not be underſtood, that I ſhall any way conſent that their voice in Parliament ſhould be taken away; for in all the times of my Predeceſſors ſince the Conqueſt, and before, they have enjoyed it; I am bound to maintain them in it, as one of the fundamentall Inſtitutions of this Kingdome.

There is one other Rock you are on, not in ſubſtance, but in ſervice; and the forme is ſo eſſentiall, that unleſſe it be reformed, will ſplit you on that Rock.

There is a Bill lately put in concerning Parliaments. The thing I like well to have frequent Parliaments, but for Sheriffes and Conſtables to uſe my Authoritie, I can no wayes conſent unto.

But to ſhew that I deſire to give you content in ſubſtance as well as in ſhew, that you ſhall have a Bill for doing thereof, ſo that it do not trench neither againſt my Honor, neither againſt the ancient Prerogatives of the Crowns concerning Parliaments, Ingeniouſly confeſſe, often Parliaments is the fitteſt means to keep correſpondencie betweene Me and my People, that I doe ſo much deſire.

To conclude, now all that I have ſhewen you, the ſtate of my Affairs, My own cleere intentions, and the Rocks I would have you ſhun.

To give you all contentment, you ſhall likewiſe finde by theſe Miniſters, I have, or ſhall have, about me for the effecting of theſe my good intentions, which ſhall redouble the peace of the Kingdome, and content you all. Concerning the conference, you ſhall have a direct anſwer on Monday, which ſhall give you ſatisfaction.

The

The *Kings* ſpeech to both Houſes of Parliament in the *Lords* Houſe, at the paſsing of the Bill for a Trieniall Parliament, the 16th of *November*, 1640.

MY Lords, and you the Knights, Citizens, and Burgeſſes of the Houſe of Commons; you may remember when both Houſes were with Me at the Banquetting Houſe at *Whiteball*, I did declare unto you two Rocks I wiſhed you to eſchew, this is the one of them, and of that conſequence, that I thinke never Bill paſſed here in this Houſe of more favour to the Subjects then this is, and if the other Rocke be as happily paſſed over as this ſhall be at this time, I do not know what you can aske for ought I can ſee at this time, that I can make any queſtion to yeeld unto: Therefore I mention this to ſhew unto you the ſence that I have of this Bill, and obligation as I may ſay that you have to me for it, for hitherto, to ſpeake freely, I have had no great incouragement to doe it; if I ſhould looke to the outward face of your actions or proceedings, and not looke to the inward intentions of your hearts, I might make queſtion of doing it.

Hitherto

Hitherto you have gone on in that which concernes your ſelves to amend, and yet thoſe things that meerly concernes the ſtrength of this Kingdom, neither for the State, nor my own particular.

This I mention, not to reproach you, but to ſhew you the ſtate of things as they are, you have taken the Government almoſt in peeces, and I may ſay, it is almoſt off the hinges.

A skilfull Watchmaker to make cleane his Watch, he will take it a ſunder, and when it is put together, it will go the better, ſo that he leave not forth then one pin in it.

Now as I have done all this on my part, you know what to do on your parts, and I hope you ſhall ſee cleerly that I have performed really what I expreſſed to you at the beginning of this Parliament, of the great truſt I have of your affections to me, and this is the great expreſſion of truſt, that before you do any thing for me, that I do put ſuch a confidence in you.

***

HIS MAJESTIES Letter to the Lords on the behalf of the Earle of *Strafford*, ſent by the PRINCE.

My Lords,

I Did yeſterday ſatisfie the Juſtice of the Kingdome by paſſing of the Bill of Attainder againſt the Earle of *Strafford*; but mercie being as inherent, and inſeparable to a King as Juſtice. I deſire at this time in ſome meaſure to ſhew, that likewiſe by ſuffering that unfortunate man to fulfill the naturall courſe of his life in a cloſe impriſonment; yet ſo, that if ever he make the leaſt offer to eſcape, or offer directly, or indirectly to meddle in any ſort of Publique buſineſſe; eſpecially with me, either by Meſſage, or Letter, *it ſhall coſt him his life without further Proceſſe.* This, if it may be done without the diſcontentment of my People, will be an unſpeakable contentment to me.

To which end, as in the firſt place, I by this Letter do earneſtly deſire your approbation, and to endeare it the more, have choſen him to carry it, that of all your Houſe is moſt dear to me. So I deſire that by a conference, you will endeavour to give the Houſe of Commons contentment: Likewiſe aſſuring you, that the excuſe of mercy is no more pleaſing to me, then to ſee both Houſes of Parliament conſent for my ſafe, that I ſhould moderate the ſeverity of the Law, in ſo important a caſe.

I will not ſay that your complying with me, in this my intended mercie, ſhall make me more willing, but certainly t'will make me more cheerfull in granting your juſt grievances. But if no leſſe than his life can ſatisfie my People, I muſt ſay *fiat juſtitia*. Thus again recommending the conſideration of my intentions to you, I reſt.

Whitehall the 11th *of* May, 1641.

Your unalterable and affectionate Friend,

CHARLES, R.

If he muſt dye, it were charity to Reprieve him till Satterday.

May 11th 1641.

THis Letter all written with the Kings own hand, the Peers this day received in Parliament, delivered by the hand of the Prince. It was twice read in the Houſe, and after ſerious and ſad conſideration, the Houſe reſolved preſently to ſend 12. of the Peers Meſſengers to the King; humbly to ſignifie, that neither of the two intentions expreſſed in the Letter, could with duty in them, or without danger to himſelfe, his deareſt Conſort the Queene, and all the young Princes their Children, poſſibly be adviſed: With all which being done accordingly, & the reaſons ſhewed to his Maieſty, He ſuffered no more words to come from them, but out of the fulneſſe of his heart to the obſervance of Juſtice, and for the contentment of his people, told them, that what he intended by his Letter was with an (if) if it may be done without diſcontentment

tentment of his People; if that cannot be, I ſay againe the ſame that I writ, *fiat juſtitia*. My other intention proceeding out of charity for a few dayes reſpite, was upon certain information that his Eſtate was ſo diſtracted, that it neceſſarily required ſome few dayes for ſetlement thereof.

Whereunto the Lords anſwered, their purpoſe was to be Suitors to his Maieſty for favour to be ſhewed to his innocent Children; and if himſelfe had made any proviſion for them, that the ſame might hold.

This was well liking to his Maieſty, who thereupon departed from the Lords; at his Maieſties parting they offered up into his hands the Letter it ſelfe which he had ſent; but He was pleaſed to ſay, my Lords, what I have written to you, I ſhall content it be Regiſtred by you in your Houſe. In it you ſee my minde, I hope you will uſe it to my honor.

This, upon returne of the Lords from the King, was preſently reported to the Houſe by the Lord Privy Seal, and ordered, that theſe Lines ſhould go out with the Kings Letter, if any copy of the Letter were diſperſed.

THAT BISHOPS ought not to have Votes in PARLIAMENT.

1 BEcauſe it is a very great hinderance to the exerciſe of their Miniſteriall Function.

2 Becauſe they doe vow and undertake at their Ordination when they enter into holy Orders, that they will give themſelves wholly to that Vocation.

3. 4 Becauſe Counſells and Canons in ſeverall Ages, do forbid them to meddle with ſecular affairs, becauſe 24 Biſhops have dependancie on the two Archbiſhops, and becauſe of their Canonicall obedience to them.

5 Becauſe they are but for their lives, and therefore are not fit to have legiſlative power over the honors, inheritance, perſons, and liberties of others.

6 Becauſe of Biſhops dependancie, and expecting tranſlations to places of great profit.

7 That ſeverall Biſhops have of late much incroached upon the conſciences and liberties of the Subjects; and they, and their Succeſſors will be much incouraged ſtill to incroach, and the Subjects will be much diſcouraged from complaining againſt ſuch incouragements if 26 of that Order, be to be Judges of thoſe complaints, the ſame reaſon extends to their legiſlative power in any Bill to paſſe for the regulation of their power, upon any emergent inconveniencie by it.

8 Becauſe

8 Becauſe the whole number of them is intereſſed to maintaine the juriſdiction of Biſhops, which hath beene found ſo grievous to the three Kingdomes, that *Scotland* hath utterly aboliſhed it, and multitudes in *England*, and *Ireland* have petitioned againſt it.

9 Becauſe Biſhops being Lords of Parliament, it ſetteth too great a diſtance betweene them, and the reſt of their Brethren in the Miniſtry, which occaſioneth pride in them, diſcontent in others, and diſquiet in the Church.

To their having Votes a long time.

Anſw. If inconvenient Time and uſage are not to be conſidered with Law-makers; ſome Abbots voted as anciently in Parliament as Biſhops, yet are taken away. Therefore the Biſhops Certificate to plenary of Benefice and loyalty of Marriage, the Bill extends not to them.

For the ſecular Juriſdictions of the Deane of *Weſtminſter*, the Biſhops of *Durham*, and *Ely*, and the Archbiſhop of *Yorke*, which they are to execute in their owne perſons, the former reaſons ſhew the inconveniencies therein.

For their Temporall Courts and Juriſdictions which are executed by their Temporall Officers, the Bill doth not concerne them.

The Lord *Keepers* Speech in the Upper Houſe of Parliament.

Novemb. 3. 1640.

My Lords,

AND you the Knights, Cittizens, and Burgeſſes of the Houſe of Commons, you have been ſummoned by His Majeſties Gracious Writ, under the great Seal of *England*, and you are here this day aſſembled for the holding of a Parliament. The Writ tels you tis to treat, and conſult of the High, Great, and weighty affairs, that concern the eſtate and ſafety of the Kingdom. It tels you true, that ſince the Conqueſt, never was there a time that did more require, and pray for the beſt advice and affection of the *Engliſh* people. It is ill viewing of objects, by viewing them in multiplying Glaſſe, and it is almoſt as miſchievous in the ſpeech of ſuch a broken Glaſſe, which repreſents but to the half. The onely and the perfect way is to look in a true Mirror. I will not take upon me to be a good looker in it, I will onely hold it to you to make uſe of it.

The Kingdom of *England* is this multiplying Glaſſe, you may there ſee a State which hath flouriſhed for divers hundred yeers, famous for time of peace and warre, glorious at home, and ever conſiderable abroad. A Nation to whom never yet any Conqueror gave new Laws, nor aboliſhed the old, nor would this Nation ever ſuffer a Conqueror to meddle with their Laws, no not the *Romanes*, who yet when as they ſubdued all the people, made

made it part of the Conqueſt, to leave their Laws in triumph with them. For the *Saxons*, *Danes*, and the *Normans*, if this were a time to travell into ſuch particulars, it were an eaſie task to make it appear, that it never changed the old eſtabliſhed Lawes of *England*, nor ever brought in any new, ſo as you have the frame and conſtitution of a Common-wealth, made glorious by antiquity. And it is with States, as with perſons and families, certainly an interrupted pedigree doth give luſtre. It is glorious in the whole frame, worth your looking upon, long and your conſideration in every part.

The King is the head of the Common-wealth, the Fountain of Juſtice, the life of the Law, He is *anima & delicia legis*.

Behold Him in His glorious Anceſtors, that have ſo ſwayed the Scepter of the Kingdome.

Behold Him in the high attributes, and the great prerogatives, which ſo ancient and unalterable Laws have given, and inveſted him with.

Behold Him in the happy times, that we have ſo long lived, under His Monarchiall government.

For His excellent Majeſty, that now is our moſt Gratious Soveraign; you had need wipe the Glaſſe, and wipe your eyes, and then you ſhall truely behold him a King of exemplary Pietie, and Juſtice, and a King of rare endowments, and abilities of nature, and what he hath got by acquiſition, depth of judgement, quickneſſe of apprehenſion, unparaleld moderation in great Councels, and great affaires, ſuch as you my Lords that had the happineſſe to attend Him at the Councell of the Peeres at *York*, to your great joy and comfort can witneſſe, and after ages will remember, to His eternall honour and fame.

For His juſt and pious Government, I dare boldly ſay that if any under Him as our Inſtrument, have had the diſtributing of juſtice to His people, have not done as they ought, the faults their own, and they have done contrary

contrary to the Royall Nature, and expreſſe Command of our Gratious Soveraign, from whom I have often learned this golden Rule, and Maxim, he ſerves me beſt, that ſerves me with honeſty and integrity.

Behold Him in another part of Himſelf, in His deareſt comfort, our Gracious Queen, the mirror of Vertue, from whom ſince Her happy arrivall here, now above three luſtres of yeeres, never any Subject record other then gratious and benigne Influence; and I dare avow as She is neereſt and deareſt to our Soveraign, ſo there is none whoſe affections and endeavours (His Majeſty onely excepted) hath, or doth, or can cooperate more to the happy ſucceſſe of this Parliament, and the never to be equalled joy, and comfort of a right underſtanding between the King, and His people.

Behold Him in His beſt image, our excellent young Prince, and the reſt of the Royall, and lively Progeny in whom we cannot but promiſe to our ſelves, to have our happineſſe perpetuated.

From the Throne turn your eyes upon the two ſupporters of it, on the one ſide, the Stemne of honour, the Nobility, and Clergy, on the other ſide, the Gentry and Commons.

Where was there, or is there in any part of the world a nobility ſo numerous, ſo magnanimous, and yet with ſuch a temper, that they neither ecclipſe the throne, nor overtop the people, but keep in a diſtance fit for the greatneſſe of the Throne.

Where was there a Common-wealth ſo free, and the ballance ſo equally held, as here? And certainly, ſo long as the beam is ſo held, it cannot be otherwiſe, in right *Anglia*, if you turn the leaſt never ſo little, it groweth quickly accute, or obtuſe; and ſo in States, the leaſt deviation makes a great change. But His Majeſties great wiſedome and goodneſſe, and the aſſiſtance of the Honourable Aſſembly, I do not doubt will be a means to

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make us ſtear between the Teophick of moderation, that there be no declenſion from the poole of ſeverity.

I am by His Maieſties Command, to relate to you ſome proceedings ſince the laſt Aſſembly here.

You may remember the Summer preceding this laſt, His Majeſty went with an Army into the North, ingaged in honour ſo to do, by reaſon of the courſes that were taken by divers of the Subjects in *Scotland*, in the prejudice of Monarchy, and rendring leſſe glorious this Kingdom. I know not under what pretence, but all that time they came very neer *England*, with an Army ſo neer that it was believed, they would have then entred and invaded the Kingdome. They did profeſſe the contrary, neither did they want remonſtrations, and declarations, to infuſe this opinion into the hearts of His Majeſties people, before it would by the effects. What their intentions from the beginning were, His Maieſtie by His goodneſſe and wiſedome, ſettled a Peace, and made a pacification at *Barwick*, upon which both Armies were disbanded, which pacification, and every Article of it, His Maieſty for His part hath been ſo far from violating, that whenſoever any queſtion ſhall be made of it, ſhall plainly and clearly appear, it was His care to ſee it in all things performed. On the contrary, thoſe Subiects of His not contented with that grace, which His Maieſty then gave them in thoſe Articles of pacification, they have ſtrained them beyond the bounds and limits of the intention, and meaning; but they over and above attempted, and acted divers things ſo preiudiciall to Monarchy, and contrary, and repugnant to the Law, and ſettled conſtitution, and uſage of that Kingdome, that His Maieſty could not in honour continue at it.

This being made known unto His Maieſty, and to His Privy Councell, by thoſe who beſt knew the State, and affairs of that Kingdom, and that were moſt truſted and imployed by His Maieſty. His Maieſty by the una-

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nimous conſent of His Privy Councell, reſolved to raiſe an army to reduce them, to their modeſt and iuſt condition of true obedience, and ſubiection, to defend this Kingdome from all damage and danger, that by their means (how ſpecious ſoever they ſhaddow their pretences) they might fall upon it.

His Maieſty then foreſaw, and foretold, that the raiſing of an Army at this time, was but to ſtand upon their own defence, as they profeſſed, and they had an intention to enter this Kingdome, and to ſeize upon ſome place of importance, and eminency, and His Maieſty in particular named *Newcaſtle*.

Had His Maieſty then had means and money, aſwell as he had certain knowledge of their intentions, I do beleeve that theſe calamities, that have fallen upon that Town, and the Counties adioyning, had been prevented. Perhaps the miſinterpretation of His Maieſties intentions, and the miſunderſtanding of His actions, and I am a fraid, the two benigne interpretation of the attempts actions, and proteſſions of the Subiects in *Scotland*, added ſome impediment to that which the moſt of us, I hope have lived to repent of.

His Maieſty howſoever went in Perſon to the North, to ſee His Army ordered, and to take care for the ſafety, and defence of this Kingdom, aſmuch as he poſſible could, He had not long been there, but that which he foreſaw, and foretold, fell out; for the *Scots* paſſed with their Army, the Rivers, *Tweed* and *Tine*, and ſeized upon *Newcaſtle*, (which) of what importance it is you all know: And that they force contribution of the Counties of *Northumberland*, and the Biſhoprick of *Durham*, beſides many other ſpoiles, and diſtructions, that were committed.

His Maieſty well conſidering of what weight, and importance this was, and then having neither time nor place to call this aſſembly of Parliament. He did reſolve

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as had been frequently uſed, to ſummon a great Councell of all the Peeres, that by their advice and aſſiſtance, there might be ſome interruption given to the calamity, that was likely to ſpread over the whole Kingdome, And commanded Writs to iſſue accordingly.

That was not done to prevent, but to prepare for a Parliament.

It was not to claſh, or enter fire with this aſſembly, by acting or ordering any thing which belongeth to this high and ſupream juriſdiction, but onely to give their aſſiſtance for the preſent, to render things more fit for this great aſſembly;

That His Maieſties intention was ſo, it is cleer, for before ever any petition was delivered, or ever any ſpeech of petition for a Parliament, His Maieſty had reſolved to call one.

The Lords underſtood, It ſo will plainly appear by the proceedings of the Aſſembly, of which, if thoſe that were Officers, and Miniſters there had been come to Town, upon whoſe help I reſted, for my particular inſtruction, I ſhould have been better able to have given you an accompt, And His Maieſty was pleaſed to let you know, that when there was an occaſion of any particular, you may be ſatisfied in it. According to His Maieſties command 24. of *September*, all the Peeres were ſummoned, all except ſome few did meet where His Maieſty was. In the firſt place, pleaſed to declare unto us His reſolution to call a Parliament, and to all our ioyes and contents, as he hath now done it to yours and ours, declared that there was nothing he did more deſire then to be rightly underſtood of His people; And whoſoever he be that ſhall go about (effect it, I am ſure he cannot) to attempt or indeavour to alter this gracious declaration, and reſolution of His Maieſty, or whoſoever ſhall go about to poyſon the hearts of His good Subiects, with an opinion that it can be ſo, or leſſon the affection of His

loving Subiects, for certainly never Subiects of the world better loved their King then the *Engliſh*, nor ever did ever *Engliſh*-men better love a King then now, if (I ſay) there be any ſuch, may acurſe and puniſhment fall upon them, But let the Royall Throne be for ever.

His Maieſty was then pleaſed to tell us the cauſe, for which he had called us together.

In the firſt place, it was touching an anſwer to a petition, that had been ſince his coming to *York*. And before His aſſembly ſent unto him from thoſe His Subiects of *Scotland*, that were at *Newcaſtle*.

The firſt thing that His Maieſty deſired their advice in, was the anſwer to that petition.

The next thing His Maieſty conceived, And all that were there, were of one opinion, with one voyce, and conſent, that it was not fit His Maieſty ſhould disband His Army, ſo long as the *Scotch* Army was on foot; And His Maieſty wiſhed them to take into their conſideration what way to have maintenance, for His Army in the meantime.

His Maieſty having opened the cauſe of calling them together, was pleaſed to expreſſe himſelf that He would leave to the Lords, their freedom of Debate, and himſelf was ready to have been gone from the Councell, but at the humble ſuite of the Lords he ſtayed. And I am perſwaded that nothing was of that ioy to them, as His Maieſties preſence, with ſuch freedome of diſcourſe did every man deliver himſelf, with ſuch grace and ſweetneſſe did his Maieſty hear them, and ſuch content did they take in His moderating, guiding and directing thoſe Councells: My Lords as holding it moſt neceſſary, took the latter of thoſe two conſiderations propounded by His Maieſty, to their thoughes, and that was the ſupplying and ſupporting His Maieſties Army, till this Parliament might take ſome courſe in it: His Maieſty, and my Lords, did declare themſelves, as before I have opened unto you,

that

that they could never attempt, nor have the leaſt thought to make, by any Act or Order, any thing tending to the Subiect, but that it might be left wholly to the ſupreme Juriſdiction. And therefore not ſeeing any other way, they reſolved by letter to addreſſe themſelves to the City of *London*, And with their letters they ſent half a dozen of my Lords.

My Lord Privy Seal, my Lord of *Clare*, who was appointed to go, but his urgent occaſions prevented him, Viſcount *Cambden*, Lord *Coventry*, Lord *Goring* and

And theſe Lords they did expreſſe the joy and content they took in the Kings grace and confidence they had of His gracious aſſiſtance, was ſuch, that they did freely offer themſelves, and as I dare ſay there is none but is yet ready to enter into ſecurity with His Maieſty. And the City gave an anſwer fit for the Chamber of the King, and part of the money is already lent, and will be ready, I aſſure my ſelf to ſupply the reſt.

For the other part, the firſt thing propounded by His Majeſty, was touching the anſwer that was to be given to that petition, and to the demands of the Subjects in *Scotland*, upon which occaſion His Majeſty was pleaſed, by thoſe great Officers and Miniſters of His, that knew beſt, and underſtood the laws, and uſages of that Kingdome to expound their demands particularly, and to make appear unto their Lordſhips upon every one, wherein they had expounded the Articles of pacification, which His *Majeſty* ever deſired might be the Square, and Rule of the treaty with them.

My Lords tooke into conſideration what was fit to be done, for his Majeſty then profeſſed as he did oft, and as he hath done it during the time of that Councell, to be wholy ruled, guided, and directed by their advice, for the honor of this Nation, and ſafety of it, he did leave it to their wiſedomes and conſiderations; againſt whoſe advice, and without whoſe judgements and advice, he would do nothing.

My Lords, howſoever they had received this information, and explanation upon every particular of their demands, yet in juſtice they thought it was fit to hear what could be ſaid, on the other ſide, how the objection might be anſwered, and what objection might be made by them againſt that which ſeemed to be plain enough.

For this purpoſe they were all of opinion, and his Majeſty was pleaſed to be of the ſame opinion, that ſome Lords ſelected and truſted by that great Councell, ſhould Treate with thoſe Subjects of *Scotland* upon all thoſe particulars, to the end that they might ſee what they did cleerly intend; to the end that if a firm peace which was moſt deſired from us might be had, or a juſt Warre to be begun.

My Lords of the great Councell that were appointed for that purpoſe, were the Earles of *Bedford*, *Hertford*, *Eſſex*, *Salisbury*, *Warwick*, *Briſtow*, *Holland*, and *Barkſhire*, The Barons were the Lords, *Wharton*, *Paget*, *Rimbolton*, *Brooke*, *Pawlet*, *Howard* of *Eſaieb*, *Savile*, and *Dunſmore*.

After which choice, ſome generall inſurrections proceeding from the debate and diſcourſes in that great Councell, a Commiſſion under the great Seale was given unto them, to enable them to treate and conclude as they in their wiſedomes and Judgements ſhould thinke fit. The place appointed for this treaty was at *Rippon*, where the Lords Commiſſioners wanted the happineſſe of that, that they, and we had at *Yorke*, of his Maieſties preſence. And that might be the occaſion that more time was ſpent in it, then otherwiſe would have been; yet my Lords omitted not their parts, but were deſirous to look into the depth, to ſee the utmoſt extent of their demands.

But before thoſe of *Scotland* could come to the maine treaty, to explaine themſelves touching their demands, they made a preparatory demand of maintenance for their Armie, and did go ſo high, as to demand Forty thouſand Pounds a moneth. My Lords that were very unwilling

ling to do any Act, or make any order whatſoever, as I have opened unto you, for the ſuſtenance, maintenance, and keeping a foot his Maieſties Armie without this great Aſſembly, which yet they all held fit ſhould not be diſbanded) were much ſtartled at the demand of maintenance for an Armie that was not the Kings, and which they did wiſh could not continue.

But my Lords, as under that name they could not hear it, yet they tooke into conſideration the miſerable condition of *Northumberland*, the Biſhopricke of *Durham*, and *Newcaſtle*; They tooke into conſideration too, the Counties of *Cumberland*, and *Weſtmerland*, which if the Scottiſh Armie ſhould enter, were ſcarce able at this time to defend it ſelfe, and it were inconvenient to bring the Kings Armie thither.

Nay, their Lords were ſatisfied that the County of *Yorke* was in danger, and that not to be prevented but by a battell, if the *Scots* came on with an Armie, and my Lords were loath, where there were ſuch ods, ſo many twenties to one, that a battell ſhould be adventured. And if the County of *Yorke* ſhould be in danger, we might quickly foreſee how the danger might run over the whole Kingdome.

And my Lords, as well as thoſe that remained at *Yorke*, as thoſe at *Rippon*, having received complaints from the Biſhop of *Durham* (*Northumberland*, and *Newcaſtle*) and the Maior of *Newcaſtle* being impriſoned, and ſome of his Brethren, as was repreſented unto them, kept without fire or candle, and of divers waſtes and ſpoyles done in the Countrey. My Lords did thinke fit, that ſince the Counties of *Northumberland*, the Biſhoprick of *Durham*, and *Newcaſtle* had already made a compoſition and agreement, that they would at laſt ratifie and confirm the compoſition and agreement, ſo as there might be a ceſſation of Arms, and acts of hoſtility, and that they which had fled from their dwellings in thoſe Counties might returne in

ſafety,

ſafety. My Lords for theſe reaſons thought it fit for the preſent to give way unto them, rather than to hazard ſo great calamitie and affliction that would have fallen on thoſe Counties; hereupon they did conclude for 850. pound by day, and this to continue for two moneths, if the treaty before tooke not effect, the two Moneths to begin from the 16th of *October*; then they took Articles for ceſſation of Arms. So as now the ſtate and condition of things as they were acted, I have ſhortly and ſummarily delivered to you. I dare not adventure upon toomany particulars, leaſt my memory ſhould faile; and if I have not done his Maieſties command, I beg his Maieſties pardon.

And my Lords, of what weight and importance this is to the whole Kingdome, what deepe conſideration it requires in our affections; what unſuſpected, and inſuſpected affections had we need bring with us, is eaſie to judge.

It is his Maieſties pleaſure that you of the Houſe of Commons, repaire to your owne Houſe to chuſe your Speaker, whom his Maieſty expects you will preſent to him on Thurſday next, at two of the clock in the afternoone.

Mr. SPEAKER his Speech to his Maiesty, in the High Court of Parliament, the fifth of *November*, 1640.

Most gracious and dread Soveraigne:

IN all submissive humblenesse, the Knights, Citizens, and Burgesses of the house of Commons are here assembled, who taking along with them your gracious inclination, have according to their ancient liberties designed me their Speaker.

Whereas I cannot but lament to thinke how great a mist may overcast the hopes of this sessions, yet a note of favour to mee, who cannot but judge my selfe unfit for so great imployment, which so appeares to the whole World.

Many there bee of deepe judgement, and sad experience, that might have added lustre to this action and expedition to the worke, if they had pleased to have left me in that meane condition they found me.

Non mihi tacuiſſe nocet, Nocet eſſe locutum.

And then might your Sacred and pious intentions have had their full advancement.

But is it yet too late? may I not appeale to *Ceſar*? Yes, I may, and in the loweſt poſture of humilitie I humbly beſeech your ſacred Majeſty to interpoſe your royall authority tocommand a review of the houſe, for there were never more then now fitted for ſuch imployments.

My Lord Keeper approves of him by his Majeſties direction.

Then he goes on,

It pleaſeth not your Sacred Majeſtie to vouchſafe a change.

Actions of Kings are not to bee by mee reaſoned.

Therefore beeing imboldened by this gracious approbation, give me leave a little, Dread Soveraigne, to expreſſe my owne thoughts unto our gracious Lord the King.

I ſee before my eyes with admiration the Majeſtie of great Brittaine, the Glory of times, The Hiſtory of honour, *CHARLES* the firſt, in his forefront placed by deſcent of antiquitie (Kings) ſetled by a long ſucceſſion, and continued to us by a pious and peacefull government.

On the one ſide the Monument of Glory, the Progenie of valiant and puiſſant Princes, the Queenes moſt Excellent Majeſtie.

On the other ſide, the hopes of poſterity, and joy of this Nation, thoſe Oliva branches ſet round your tables, Emblems of peace to poſterity.

Here ſhine thoſe Lights and Lamps placed in a Moune

Mount, which attend your ſacred Majeſty as ſupreame head, and borrow from you the Splendor of their government.

There the true ſtate of Nobility, figures of proweſſe and Magnanimity, fitted by their long contracted honour in their blood, for the Counſell of Princes.

In the midſt of thoſe the Reverend Iudges, whither both parties (as to the Oracles of Iudgment and Iuſtice) may reſort, Ciſternes that hold faire waters, wherin each deviation, each wrinkle is diſcernable, and from thence (as from the Center) each crooked line ought to be levelled; The footſtoole of your Throne is fixed there, which renders you glorious to all poſteritie.

Here wee the Knights, Citizens and Burgeſſes of the Commons houſe, at your royall feete, contracted from all parts of your Kingdome, Enſignes of obedience and humility, all theſe united by the law equally diſtributed, which cements this great body to the obedience of your ſacred Majeſty;

And compells aſwell the hearts as the hands to contribute for the preſervation of your Majeſtie, and the Common intereſt.

Diſſipates the Invaders of the Church and common wealth, and diſcovers the Impoſtures, but (give me leave dread Soveraigne) knits the Crowne to the Sacred Temples, and frees Majeſty from the Interpretation of miſdoing.

Amongſt theſe this great Counſell is moſt ſoveraigne againſt the diſtempers of this Nation.

Were they infeſted at Sea, troubled at home, or invaded from abroad, here was the Sanctuary of refuge, hither was the reſort, and no other way found for a foundation of peace.

It is reported of *Conſtantine* the great, that he accompted his Subjects purſe his Exchequer, and ſo it is.

Subtile inventions may pick the purſe, but nothing can open it but a Parliament; which lets in the eye of Soveraignty upon the publicke maladies of the State, and vigilancy for the preſervation of our ancient Liberties; for this wee neede not ſearch into Antiquity; looke but a little backe, there wee ſhall ſee our juſt liberties graciouſly confirmed by your moſt ſacred Majeſty.

And is our happineſſe ſhut up in the remembrance of times paſt onely? No.

Thoſe gracious expreſſions lately falne from your ſacred lips, as hony from the combe, make glad the hearts of your people.

So that now we doe more than promiſe to our ſelves a large and free conſideration of the wayes to compoſe the diſtempers of theſe Kingdomes, and then preſent them to your royall hand for perfection.

And ſuch ſhall be our deportment, that as we ſhall labour the continuance of our Liberties, ſo ſhall wee carry a high regard to preſerve that Soveraigne power wherewith your Majeſty is inveſted for the preſervation of your Kingdome, and to render your ſacred Majeſty terrible to the Nations, and glorious at home.

Are theſe the fruits we have enjoyed by Parliaments? wee cannot then but wonder at that horrid invention in this place projected, *Monſtrum horrendum, informe ingens*, but, the Lord bee thanked, *Cui lumen ademptum eſt.* Can this receive a *Palliation*? Men, Fathers, and Brethren, and all at one blaſt; no reverence to ſacred bones of Princes? were wee not all in a lumpe by them intended to bee offered up to *Moloch*?

Let us never forget this dayes ſolemnization (But whither?) It is too much boldneſſe to preſume longer on your Majeſties grace and goodneſſe; and therefore for

for the better expedition of this ſervice; Wee humbly deſire;

1. That our ſelves and ſervants may obtaine freedome from arreſts of their perſons and goods.

2. That we may have free liberty of ſpeech without confinement, with a full and free debate.

3. That your Majeſty will vouchſafe our repaire to your ſacred perſon upon matters of importance, according to the ancient priviledges of the houſe.

That with ſuch alacrity wee may now proceed to manifeſt to the world, that our retirements were to reinforce a greater unity and duty, and to endeavour a ſweet violence which may compell (pardon dread Soveraigne the word Compell) your Majeſty to the love of Parliaments.

And thus God will have the honour, your ſacred Majeſty ſplendor, the Kingdome ſafety, and all our votes ſhall paſſe; that your ſacred Majeſty may long, long, long reigne over us; And let all the people ſay, *Amen*.

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THE

The Lord Digbies Speech the 9. of Novemb. 1640. Concerning Grievances, and the Trienniall *Parliament.*

Mr. Speaker,

YOu have received now a ſolemne accompt from moſt of the Shires of *England*, of the ſeverall grievances and oppreſſions they ſuſtaine, and nothing as yet from *Dorſetſhire*; Sir, I would not have you thinke that I ſerve for a Land of *Goſhen*, that we live there in Sun-ſhine, whilſt darkneſſe and plagues over-ſpread the reſt of the Land: As little would I have you thinke, that being under the ſame ſharp meaſure that the reſt, we are either inſenſible and benummed, or that, that Shire wanteth a ſervant to repreſent its ſufferings boldly.

It is true Mr. *Speaker*, the County of *Dorſet* hath not digeſted its complaints into that formall way of Petition, which others (I ſee) have done; but have intruſted them to my Partners and my delivery of them by word of mouth unto this Honourable Houſe. And there was given unto us in the County Court, the day of our Election, a ſhort memoriall of the heads of them, which was read in the hearing of the Free-holders there preſent, who all unanimouſly with one voyce ſignified upon each particular, that it was their deſire, that we ſhould repreſent them to the Parliament, which with your leave I ſhall doe, and theſe they are.

1. The great and intollerable burthen of Ship-money,

ney, touching the legality whereof they are unſatisfied.

2. The many great abuſes in preſſing of Souldiers, and raiſing moneys concerning the ſame.

3. The multitude of Monopolies.

4. The new Canon, and the Oath to be taken by Lawyers, Divines. &c

5. The Oath required to bee taken by Church-Officers to preſent according to Articles new and unuſuall.

Beſides this, there was likewiſe preſented to us by a very conſiderable part of the Clergy of that County, a note of remembrance containing theſe two particulars.

Firſt, the impoſition of a new Oath required to bee taken by all Miniſters and others: which they conceive to be illegall, and ſuch as they cannot take with a good Conſcience.

Secondly, the requiring of a pretended Benevolence, but in effect a Subſidie, under the penalty of ſuſpenſion, excommunication, and deprivation, all benefit of appeale excluded.

This is all wee had particularly in Charge: But that I may not appeare a remiſſe ſervant of my Countrey, and and of this Houſe; give me leave to adde ſomewhat of my owne ſence.

Truly Mr. *Speaker*, the injurious ſufferings of ſome worthy members of this Houſe, ſince the diſſolution of the two laſt *Parliaments*, are ſo freſh in my memory, that I was reſolved not to open my mouth in any buſineſſe, wherein freedome and plaine dealing were requiſite, untill ſuch time, as the breach of our priviledges

viledges were vindicated, and the ſafety of ſpeech ſetled.

But ſince ſuch excellent Members of our Houſe, thought fit the other day to lay aſide that Caution, and to diſcharge their ſoules ſo freely in the way of zeale to his Majeſties ſervice, and their Countries good: I ſhall interpret that confidence of theirs for a lucky Omen to this *Parliament*, and with your permiſſion licence my thoughts too, a little.

Mr. *Speaker*, under thoſe heads which I propoſed to you, as the grievances of *Dorſetſhire*, I ſuppoſe are compriſed the greateſt part of the miſchiefs which have of late years layed battery either to our Eſtates, or Conſciences.

Sir, I doe not conceive this the fit ſeaſon to ſearch and ventilate particulars, yet I profeſſe I cannot forbear to adde ſomewhat, to what was ſaid the laſt day by a learned Gentleman of the long Robe, concerning the acts of that reverend new *Synod*, made of an old convocation. Doth not every *Parliament* mans heart riſe to ſee the Prelats thus uſurpe to themſelves the Grand Preeminence of *Parliament*? The granting of Subſidies, & that under ſo prepoſterous a name as of a *Benevolence*, for that which is a *Malevolence* indeed; A *Malevolence* I am confident in thoſe that granted it, againſt *Parliaments*: and a *Malevolence* ſurely in thoſe that refuſe it, againſt thoſe that granted it, for how can it incite leſſe? when they ſee wreſted from them what they are not willing to part with, under no leſſe a penalty then the loſſe both of Heaven and Earth: of Heaven, by excommunication; and of the Earth By Deprivation; & this without Redemption by appeal. What good Chriſtian can think with patience on ſuch an inſnaring Oath, as that which is by the new Canons enjoyned to be taken by all Miniſters, Lawyers, Phyſitians, and Graduates in the Vniverſities? where, beſides the ſwearing

ſuch

ſuch an impertinence, as that things neceſſary to ſalvation are contained in Diſcipline; beſides the ſwearing thoſe to be of Divine right, which amongſt the learned, never pretended to it, as the Arch things in our Hierarchy. Beſides, the ſwearing not to conſent to the change of that, which the State may upon great reaſon thinke fit to alter: Beſides the bottomeleſſe perjury of an &c. Beſides all this, Mr. *Speaker*, men muſt ſweare that they ſweare freely and voluntarily what they are compelled unto: and laſtly, that they ſweare that Oath in the literall ſence, whereof no two of the makers themſelves, that I have heard of, could never agree in the underſtanding.

In a word, Mr. *Speaker*, to tell you my opinion of this Oath, it is a Covenant againſt the King, for Biſhops and the Hierarchy; as the Scottiſh Covenants is againſt them, onely ſo much worſe then the Scottiſh, as they admit not of the Supremacy in Eccleſiaſticall affaires, and we are ſworne unto it.

Now Mr. *Speaker*, for thoſe particular heads of grievances whereby our Eſtates and Properties are ſo radically invaded; I ſuppoſe (as I ſayd before) that it is no ſeaſon now to enter into a ſtrict Diſcuſſion of them; onely thus much I ſhall ſay of them, with application to the Countrey for which I ſerve, that none can more juſtly complaine, ſince none can more juſtly challenge exemption from ſuch burdens then *Dorſet ſhire*; whether you conſider its a Countrey ſubſiſting much by Trade; or as none of the moſt populous; or as expoſed as much as any to Forraigne Invaſion.

But alas Mr. *Speaker*, particular lamentations are hardly diſtinguiſhable in Vniverſall groanes.

Mr. *Speaker*, it hath beene a Metaphor frequent in *Parlament*, and if my memory fayle me not, was made uſe of in the Lord *Keepers* Speech at the opening of the laſt; that what mony Kings rayſed from their *Subjects*,

they were *But as Vapors drawn up from the Earth by the Sunne, to bee diſtilled upon it againe in fructifying ſhowers.* The Compariſon Mr. *Speaker*, hath held of late yeares in this Kingdome too unluckily: what hath bin raiſed from the Subject by thoſe violent attractions, hath beene formed, it is true, into Clouds, but how? to darken the Sunnes owne luſtre, and hath fallen againe upon the Land only in Hail-ſtones and Mildews, to batter and proſtrate ſtill more and more our liberties, to blaſt and wither our affections; had the latter of theſe beene, ſtill kept alive by our Kings owne perſonall vertues, which wil ever preſerve him in ſpight of all ill Counſellours, a ſacred object, both of our admiration and loves.

Mr. *Speaker*, It hath beene often ſayd in this Houſe, and I thinke can never be too often repeated, *That the Kings of England can do no wrong*; but thogh they could Mr. *Speaker*, yet Princes have no part in the ill of thoſe actions which their Judges aſſure them to be juſt, their Counſellours that they are prudent, and their Divines that they are conſcientious.

This Conſideration, M. *Speaker*, leadeth mee to that which is more neceſſary farre, at this ſeaſon, than any farther laying open of our miſeries, that is, the way to the remedy, by ſeeking to remove from our *Soveraign*, ſuch unjuſt Judges, ſuch pernicious Counſellours, and ſuch diſconſcient Divines, as have of late yeares, by their wicked practiſes, provoked aſperſions upon the government of the graciouſeſt and beſt of Kings.

Mr. *Speaker*, let me not be miſ-underſtood, I level at no man with a fore-layd deſigne, let the faults, and and thoſe well proved, lead us to the men: It is the onely true *Parliamentary* method, and the onely fit one to incline our *Soveraigne*. For it can no more

conſiſt

conſiſt with a gracious and righteous Prince to expoſe his ſervants upon irregular prejudices; then with a wiſe Prince to with hold *Malefactors*, how great ſoever, from the courſe of orderly juſtice.

Let me acquaint you M. *Speaker*, with an *Aphoriſme* in *Hippocrates*, no leſſe Authenticke, (I thinke) in the body Poliſicke, then in the Naturall. *Thus it is Mr.* Speaker, *Bodies to be throughly and effectually purged, muſt have their Humors firſt made fluid and mooveable.* *The Humours that I underſtand to have cauſed all the deſperate maladies of this Nation, are the ill Miniſters. To purge them away clearely, they muſt be firſt looſened, unfolded, and extenuated, which can no way bee effected with a gracious Maſter, but by truely repreſenting them unworthy of his protection. And this leadeth mee to my Motion, which is; that a ſelect Committee may bee appointed to draw out of all that hath beene heere repreſented, ſuch a Remonſtrance as may be a faithfull and lively repreſentation unto his Majeſty of the deplorable eſtate of this his Kingdome, and ſuch as may happily point out unto his cleare and excellent judgment, the pernicious Authors of it. And that this* Remonſtrance *being drawne, wee may with all ſpeed repaire to the Lords, and deſire them to joyne with with us in it*: And this is my humble motion.

THE LORD DIGBIES SPEECH IN THE *HOUSE* OF Commons, to the Bill for trienniall *Parliaments*.

Janu. 19. 1640.

Mr. *Speaker*,

I Riſe not now with an intent to ſpeake to the frame and ſtructure of this Bill, nor much by way of anſwer to objections that may be made; I hope there will be no occaſion of that, but that we ſhall concurre all unanimouſly in what concerneth all ſo Univerſally.

Onely Sir, by way of preparation, to the end that we may not be diſcouraged in this great worke by difficulties that may appeare in the way of it, I ſhall deliver unto you my apprehenſions in generall of the vaſt importance and neceſſity that wee ſhould goe thorow with it.

The Reſult of my ſenſe is in ſhort this: That unleſse for the frequent convening of *Parliaments* there be ſome ſuch courſe ſetled, as may not be eluded; neyther

ther the people can be proſperous and ſecure, nor the King himſelfe ſolidly happy. I take this to be the *Vnum neceſſarium*: Let us procure this, and all our other deſires will effect themſelves: if this bill miſcarry, I ſhall have left me no publike hopes, and once paſt, I ſhall be freed of all publike feares.

The eſſentialneſſe Sir of frequent *Parliaments* to the happineſſe of this Kingdome, might be inferr'd unto you by the reaſon of contraries, from the wofull experience which former times have had of the miſchievous effects of any long intermiſſion of them.

But Mr. *Speaker*, why ſhould we clime higher then the levell we are on, or thinke further then our owne Horizon, or have recourſe for examples in this buſines, to any other promptuary then our owne memories; nay then the experience almoſt of the youngeſt here?

The reflection backward on the diſtractions of former times upon intermiſſion of *Parliament*, and the conſideration forward of the miſchiefes likely ſtill to grow from the ſame cauſe if not remooved, doubtleſly gave firſt life and being to thoſe two dormant Statutes of *Edward* the third, for the yearly holding of *Parliament*: And ſhall not the freſh and bleeding experience in the preſent age of miſeries from the ſame ſpring, not to be paralleld in any other, obtaine a wakening, a reſurrection for them?

The Inteſtine diſtempers Sir, of former ages upon the want of *Parliaments*, may appeare to have had ſome other cooperative cauſes, as ſometimes, unſucceſſefull Warres abroad; ſometimes, the abſence of the Prince; ſometimes, Competitions of Titles to the Crowne; ſomtimes, perhaps the vices of the King himſelfe.

But let us but rightly weigh and conſider the poſture, the aſpect of this ſtate, both toward it ſelfe, and

the reſt of the world, the perſon of our Soveraigne, and the nature of our ſuffering ſince the third of his Reigne. And there can be no cauſe coulorable inventible, wherunto to attribute them but the intermiſſion, or which is worſe, the undue fruſtration of *Parliament*, by the unluckly uſe if not abuſe of Prerogative in the diſſolving them.

Take in your view Gentlemen, a State in a ſtate of the greateſt quiet and ſecurity that can be fancied, not only in joyning the calmeſt peace it ſelfe, but to improve and ſecure its happy condition, all the reſt of the world at the ſame time in Tempeſt, in Combuſtions, in uncompoſable Warres.

Take into your view Sir, a King Soveraigne to three Kingdomes, by a Concentring of all the Royall lines in his Perſon, as undiſputably as any Mathematical ones in *Euclide*. A King firme and knowing in his Religion, eminent in vertue; A King that had in his owne time given all the Rights and Liberties of his Subjects a more cleare and ample confirmation freely and graciouſly, then any of his Predeceſſors (when the people had them at advantage) extortedly, I meane in the *Petition of Right*.

This is one Mappe of *England*, Mr. *Speaker*, A man Sir, that ſhould preſent unto you now, a Kingdome, groaning under that ſupreme Law, which *Salus populi periclitata* would enact. The liberty, the property of the Subject fundamentally ſubverted, raviſht away by the violence of a pretended neceſſity; a triple Crown ſhaking with diſtempers: men of the beſt conſcience ready to fly into the wilderneſſe for Religion. Would not one ſweare that this were the Antipodes to the other; & yet let me tell you Mr. *Speaker*, this is a Mappe of *England* too, and both at the ſame time true.

As it cannot bee denyed, Mr. *Speaker*, that ſince the Conqueſt there hath not been in this Kingdome a fuller concurrance of all circumſtances in the former Caracter, to have made a Kingdom happy, then for theſe 12. yeares laſt paſt; ſo it is moſt certaine, that there hath not beene in all that deduction of ages, ſuch a Conſpiracie, if one may ſo ſay of all the Elements of miſchiefe thein ſecond Character, to bring a flouriſhing Kingdom, if it were poſſible, to ſwift ruine and deſolation.

I will be bold to ſay, Mr. *Speaker*, and I thanke *God*, wee have ſo good a King, under whom wee may ſpeake boldly of the abuſe by ill Miniſters, without reflection upon his perſon.

That an Accumulation of all the publike Grievances ſince *Magna Carta*, one upon another, unto that houre in which the *Petition* of *Right* paſt into an act of *Parliament*, would not amount to ſo oppreſſive; I am ſure not to ſo deſtructive a height and magnitude to the rights and property of the Subject, as one branch of our beſlaving ſince the *Petition* of *Right*.

The branch I mean, is the judgment concerning ſhipmoney. This beeing a true repreſentation of *England* in both aſpects.

Let him, Mr. *Speaker*, that for the unmatcht oppreſſion and enthralling of free Subjects in a time of the beſt Kings raigne, and in memory of the beſt lawes enacted in favour of Subjects liberty, can find a truer Cauſe then the ruptures and intermiſſion of *Parliaments*. Let him and him alone be againſt the ſetling of this inevitable way for the frequent holding of them.

'Tis true Sir, wicked Miniſters have beene the proximate

iimate cauſes of our miſeries, but the want of *Parliaments* the primary, the efficient Cauſe.

Ill Miniſters have made ill times, but that Sir, hath made ill Miniſters.

I have read among the Lawes of the Athenians, a form of recourſe in their Oaths and vows of greateſt & moſt publique concernment of a three-fold Deity, *Supplicium Exauditori, Purgatori, Malorum depulſori.*

I doubt not but we here aſſembled for the Commonwealth in this *Parliament*, ſhall meet with all theſe Attributes in our Soveraigne.

I make no queſtion but he will graciouſly heare our Supplications, purge away our Grievances, and expell Malefactors, that is, remove ill Miniſters, and put good in their places.

No leſſe can be expected from his wiſdome and goodneſſe.

But let me tell you Mr. *Speaker*, if we partake not of one Attribute more in him; if we addreſſe not our ſelves unto that, I meane *Bonorum Conſervatori*; we can have no ſolid, no durable Comfort in all the reſt.

Let his Majeſty heare our Complaint never ſo Compaſſionately.

Let him purge away our Grievances never ſo efficaciouſly.

Let him puniſh and diſpell ill Miniſters never ſo exemplarily.

Let

Let him make choyce of good ones never ſo exactly.

If there be not a way ſetled to preſerve and keepe them good, the miſchiefes and they will all grow again like *Sampſons* Locks, and pull downe the Houſe upon our heads. Beleeve it M. *Speaker*, they will.

It hath been a Maxime amongſt the wiſeſt Legiſlators, that whoſoever meanes to ſettle good Lawes, muſt proceed in them, with a ſiniſter opinion of all Mankinde; and ſuppoſe that whoſoever is not wicked, it is for want only of the opportunity. It is that opportunity of being ill Mr. *Speaker*, that wee muſt take away, if ever wee meane to be happy, which can never be done, but by the frequencie of *Parliaments*.

No ſtate can wiſely be confident of any publique Miniſters continuing good, longer then the rod is over him.

Let me appeale to all thoſe that were preſent in this Houſe at the agitation of the *Petition* of *Right*. And let them tell themſelves truly, of whoſe promotion to the management of affaires doe they thinke the generality would at that time have had better hopes then of Mr. *Noy*, and Sir *Thomas Wentworth*, both having beene at that time, and in that buſineſſe as I have heard, moſt keen and active Patriots, and the latter of them to the eternall aggravation of his Infamous treachery to the Common-wealth be it ſpoken, the firſt mover, and inſiſter to have this clauſe added to the *Petition* of *Right*, that for the comfort and ſafety of his Subjects, his Majeſty would be pleaſed to declare his will and pleaſure, that all his Miniſters ſhould ſerve him according to the Lawes and Statutes of the Realme.

And yet Mr. *Speaker*, to whom now can all the inundations upon our liberties under pretence of Law, and the late ſhipwrack at once of all our property, be attributed more then to *Noy*, and thoſe and all other miſchiefes whereby this Monarchie hath beene brought almoſt to the brinke of deſtruction, ſo much to any as to that Grand Apoſtate to the Common-wealth, the now Lieutenant of *Ireland?*

The firſt I hope *God* hath forgiven in the other world; and the latter muſt not hope to be pardoned in this, till he be diſpatcht to the other.

Let every man but conſider thoſe men as once they were.

The excellent Law for the ſecurity of the Subject enacted immediately before their comming to employment, in the contriving whereof themſelves were principall Actors.

The goodneſſe and vertue of the King they ſerved, and yet the high and publique oppreſſions that in his time they have wrought! And ſurely there is no man but will conclude with me, that as the deficience of *Parliaments* hath bin the *Cauſa Cauſarum* of all the miſchiefes and diſtempers of the preſent times: ſo the frequency of them is the ſole Catholicke Antidote that can preſerve and ſecure the future from the like danger.

Mr. *Speaker*, let me yet draw my Diſcourſe a little nearer to his Majeſty himſelfe, and tell you, that the frequency of *Parliament* is moſt eſſentially neceſſary to the power, the ſecurity, the glory of the King.

There are two wayes, Mr. *Speaker*, of powerfull Rule,

Rule, eyther by Feare, or Love, but one of happy and safe Rule, that is, by Love, that *Firmiſſimum Imperium, quo obedientes gaudent.*

To which Camillus *adviſed the* Romans. *Let a Prince conſider what it is that mooves a people principally to affection, and dearneſſe, towards their Soveraigne. He ſhall ſee that there needs no other Artifice in it, then to let them injoy unmoleſted, what belongs unto them of right: If that have beene invaded and violated in any kind, whereby affections are alienated: the next conſideration for a wiſe Prince that would be happy, is how to regaine them: To which three things are equally neceſſary.*

1. Re-inſtating them in their former Libertie.
2. Revenging them of the Authors of thoſe violations.
3. And ſecuring them from Apprehenſions of the like againe.

The firſt, (God be thanked,) wee are in a good way of.

The ſecond in warme purſuit of.

But the third, as eſſentiall as all the reſt, till we be certaine of a *Triennial Parliament*, at the leaſt, I profeſſe I can have but cold hopes of.

I beſeech you then *Gentlemen*, ſince that ſecurity for the future is ſo neceſſary to that bleſſed union of affections, and this Bill ſo neceſſary to that ſecurity:

Let us not be ſo wanting to our ſelves; let us not be ſo wanting to our Soveraigne, as to forbeare to offer unto him, this powerfull, this everlaſting Philter, to Charme unto him the hearts of his people, whoſe vertue can never evaporate.

There is no man, M. *Speaker*, ſo ſecure of anothers friendſhip, but will thinke frequent intercourſe and acceſſe very requiſite to the ſupport, to the confirmation of it: Eſpecially, if ill offices have beene done betweene them; if the rayſing of jealouſies hath beene attempted. There is no Friend but would be impatient to be debarred from giving his friend ſuccour and reliefe in his neceſſities.

Mr. *Speaker*, permit mee the compariſon of great things with little: what friendſhip, what union can there be ſo comfortable, ſo happy, as betweene a gracious Soveraigne and his people? and what greater misfortune can there bee to both, then for them to bee kept from entercourſe, from the meanes of clearing miſ-underſtandings, from interchange of mutuall benefits?

The people of *England*, Sir, cannot open their Eares, their Hearts, their Mouthes, nor their Purſes, to his Majeſty, but in *Parliament*.

We can neyther heare Him, nor Complaine, nor acknowledge, nor give, but there.

This Bill, Sir, is the ſole Key that can open the way to a frequency of thoſe reciprocall indearments, which muſt make and perpetuate the happineſſe of the King and Kingdome.

Let no man object any derogation from the Kings Prerogative by it. Wee doe but preſent the Bill, 'tis to be made a Law by him, his Honour, his Power, will be as conſpicuous, in commanding at once that *Parliament* ſhall aſſemble every third yeare, as in commanding a *Parliament* to be called this or that yeare: there

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is more of his Majeſty in ordayning primary and Vniverſall Cauſes, then in the actuating particularly of ſubordinate effects.

I doubt not, but that glorious King *Edward* the Third, when he made thoſe Lawes for the yearely Calling of *Parliament*, did it with a right ſence of his dignity and honour.

The truth is, Sir, the Kings of *England* are never in their Glory, in their Splendour, in their Majeſticke Soveraignty, but in *Parliaments*.

Where is the power of impoſing Taxes? Where is the power of reſtoring from incapacities? Where is the legiſlative Authority? Marry in the King, Mr. Speaker. *But how? In the King circled in, fortified and evirtuated by his* Parliament.

The King out of *Parliament* hath a limitted, a circumſcribed jurisdiction. But waited on by his *Parliament*, no Monarch of the Eaſt is ſo abſolute in diſpelling Grievances.

Mr. Speaker, *in chaſing ill Miniſters, we doe but diſſipate Clouds that may gather againe, but in voting this* Bill, *we ſhall contribute, as much as in us lyes, to the perpetuating our Sunne, our Soveraigne, in his veſticall, in his Noone day luſtre.*

A Speech of the Honourable NATHANAEL FIENNES, In the House of Commons the 9. of Febr. 1640.

In Answere To my Ld Digbies speech concerning Bns P: 65.

Mr. *Speaker*,

TWO things have fallen into debate this day.

The first, concerning the *Londoners* Petition, whether it should bee committed or no.

The other, concerning the government of the Church, by Arch-bishops, Bishops, &c. whether it should bee countenanced or no.

For the first, I doe not understand by any thing that I have yet heard, why the *Londoners* Petition should not be committed, or countenanced.

The exceptions that are taken against it, are from the irregularities of the delivery of it, and from the Subject matter contained in it.

For the first, it is alledged that the long taile of this blazing starre, is ominous, and that such a number of Petitioners, and such a number that brought the Petition to the House, was irregular. Hereunto I answer, that the fault was either in the multitude of the Petitioners, or in their carriages, and demeanours: if a multitude finde

finde themselves agrieved, why it should be a fault in them to expresse their grievances more than in one, or a few, I cannot see; nay, to me it seemes rather a reason that their Petitions should be committed, and taken into serious consideration, for thereby they may receive satisfaction, though all bee not granted that they desire. But if wee shall throw their Petition behind the door, and refuse to consider it, that it may seeme an act of will in us. And whether an act of will in us, may not produce an act of will in the people, I leave it to your consideration. Sure I am, acts of will are more dangerous there than here, because usually they are more tumultuous. All Lawes are made, principally for the quiet and peace of a Kingdome; and a Law may be of such indifferent nature many times, that it is a good reason to alter it, onely, because a great number desires it, if there were nothing else in it, and therefore I doe not see that the number of Petitioners is any good reason, why it should not bee committed, but rather the contrary.

Now for their carriage, there came indeed, three or foure hundred of the 15000, some of the better sort of them, and there might bee good reason for it. I have heard that there was brought a Petition to some privie Counsellours, with a thousand hands to it, and being brought onely with sixe men, they were answered, that they sixe might write those thousand hands; if there were a thousand that joyned in the Petition, why did they not come too? And we heard it objected but the other day, in this house against the Ministers Petition, that there were indeed seven or eight hundred names to it, but two hands onely. Therefore it was not without cause, that a considerable number should come with a Petition signed by so many; but for any disorder in their carriage, I saw none; for upon an intimation in one word from this house, they forthwith retired to their dwellings. As for the subject matter of the Peti-

tion,

tion, three exceptions are taken againſt it.

Firſt, that divers things are contemptible in it; as that about *Ovid de Amore*, ſet forth in Engliſh, and other ſuch things.

Secondly, that in many things their diſcourſe was altogether irrationall, for that they argue from perſonall faults of Biſhops againſt the office it ſelfe of Biſhops, and in other things argue from effects that proceed from it by accident, as if they did flie out of it.

And in the laſt place, that their prayer and concluſion is bold and preſumptuous, deſiring ſo boldly an abolition of ſtanding Lawes.

To the firſt I anſwer, that ſome things may ſeeme contemptible in themſelves, which are not ſo in their cauſes, nor in their effects, as the ſuffering of ſuch laſcivious pamphlets to be printed and publiſhed, when other profitable writings are ſuppreſſed, doth diſcover a principle, that looſeneſſe and prophaneſſe (which will helpe to bring in ſuperſtition) is more ſutable to their hierarchy than the contrary, which makes them connive at ſuch things as are apt to produce looſeneſſe and lewdneſſe, and this is no contemptible effect, nor doth it proceed from a contemptible cauſe.

In the next place, for that which ſeemes *irrationall* in the way of their diſcovery, divers things may ſeeme to bee perſonall faults, which indeed are derived unto the perſons from the office, or from the circumſtances thereof, I meane their revenues, and dignities on the one ſide, and the ceremonies on the other ſide. For moſt of the things complained of, as ſilencing, and thruſting out of godly and painfull Preachers, bringing in Innovations in Doctrine, and worſhip, and the like; although they may ſeeme perſonall and accidentall faults, yet if wee follow them to their laſt reſort, wee ſhall find that their worldly wealth and dignities ſtirre them up to doe this, that their ſole and arbitrary power

over

over the Clergy, and in matter Eccleſiaſticall, enable them to effect it, and the ceremonies both new and old ſerve as inſtruments, and meanes, whereby they effect it.

In the laſt place, that their Prayer in the concluſion of their Petition, is bold or preſumptuous, I doe not ſee there is any reaſon ſo to eſteeme of it: for if they had taken upon them to have altered any thing upon their owne authority, or had imperiouſly required the *Parliament* to doe it, then it might deſerve ſuch a ſtile; but when they come as humble ſuppliants, by way of Petition, deſiring the altering of Lawes, that have been found burdenſome unto them, and that of the Parliament, where, and wherein onely old lawes may bee repealed, and new Lawes may be made, they come in the right manner, to their right and proper place, and therefore have done nothing boldly, or preſumptuouſly, but orderly, and regularly, and therefore ought not to receive any check or diſcouragement in the way that they have taken.

Now Sir, concerning the government of the *Church*, by *Arch-Biſhops*, *Biſhops*, *&c.* which alſo hath beene ſpoken unto; whereas it is deſired, that the evills, and inconveniences ſhould be ſhewed which ariſe not from the perſons, but from the office it ſelfe of Biſhops, I ſhall apply my diſcourſe particularly to that poynt. But firſt, I ſhall crave leave to ſay a word or two, in anſwer to what hath beene alledged for the credit of the Government by Biſhops. Firſt, that it is as ancient as Chriſtian Religion, and that it hath continued ever ſince the time of Chriſt and his Apoſtles; as for this, I doe not pretend to have ſo much knowledge in antiquity, as to confute this out of the Fathers and Eccleſiaſticall Hiſtories; (although there are that undertake that) onely one ſentence I have often heard cited out of Saint *Ierome*, that in the Primitive times, *Omnia*

 communia

Communi Clericorum Concilio regebantur: and truely ſo farre as the Acts of the Apoſtles, and the New Teſtament goeth, which was the ancienteſt, and moſt primitive time of Chriſtianity, I could never find there any diſtinction betweene a Biſhop and a Presbyter, but that they were one and the very ſame thing. In the next place, that which is alledged for the credit of Epiſcopacy, is, *that our Reformers and Martyrs were many of them Biſhops, and practiſed many of thoſe things now complained of; and that in other Reformed Churches where Biſhops are not, they are deſired.* For the *Martyrs* and *Reformers* of the Church that were Biſhops, I doe not underſtand that that was any part of their Reformation, nor of their Martyrdome; I have read, that whereas *Ridley* and *Hooper* had ſome difference betweene them in their life time about theſe things, when they came both to their *martyrdome, he that had* formerly beene the Patron of this *Hierarchy*, and *Ceremonies*, told his brother, *that therein his fooliſhneſſe had contended with his wiſedome.* As for that which is ſaid, *that other Reformed Churches where they have not Biſhops, yet they are deſired*, I will not deny but ſome among them may deſire *Biſhopricks*, I meane the *Dignities* and *Revennes* of Biſhops, but that they deſire Biſhops as thinking it the fitteſt and beſt *Government* of the Church, I cannot beleeve, for if they would have Biſhops, why doe they not make themſelves Biſhops? I know not what hindreth, why they might not have Biſhops when they would. In the laſt place, for that which is alledged in relation to the government of this Kingdome, *that Biſhops are ſo neceſſary, as that the King cannot well let them goe with the ſafety of Monarchy, and that if Biſhops bee taken away, Aſſemblies, or ſomething muſt come in the roome thereof. And if Kings ſhould bee ſubject thereunto, and ſhould happen to be excommunicated thereby, that after they would bee little eſteemed, or obeyed as Kings*: for this

this, if it ſhall be cleared, as it is affirmed, or if any thing therein doe ſtrike at Monarchy, I ſhall never give my vote, nor conſent thereunto as long as I live. But to cleare that this is not ſo, I offer to your conſideration, that by the Law of this Land not onely all Eccleſiaſticall Juriſdiction, but alſo all ſuperiority, and preheminence over the Eccleſiaſticall ſtate, is annexed to the Imperiall Crowne of this Realme, and may bee granted by Commiſſion under the great ſeale, to ſuch perſons as his Majeſtie ſhall thinke meet: now, if the King ſhould grant it to a certaine number of Commiſſioners, equall in authority, as hee may doe, this were an abolition of Epiſcopacy, and yet not diminution of Monarchy; But the truth is, Epiſcopacy is a kind of Monarchy under a Monarchy, and is therein altogether unlike the Civill *Government* under his Majeſtie: for the King being a common head over the Eccleſiaſticall ſtate and the Civill, we ſhall finde that in the exerciſe of Civill Juriſdiction, in all Courts under his Majeſty, it is *Ariſtocraticall*, and placed in many, and not in one, as appeareth in this high Court of *Parliament*, in the inferiour Courts of *Weſtminſter* Hall, and in the Sizes, and Seſſions in the Countrey, which are held by many Commiſſioners, and not onely by one, or his *Deputies*, and *Commiſſaries*, as it is in the exerciſe of Eccleſiaſticall government. As to the point of *Excommunication*, ſuppoſing that it did diſſolve naturall and civill bonds of duty, as it doth not, it might indeed be as terrible to Princes, as it is repreſented. But I reaſon thus, *either Princes are ſubject to Excommunication, or they are not: if they bee not, then they need as little to feare a Presbyterie or an aſſembly, as a Biſhop in that reſpect; if they bee, they have as much to feare from Biſhops, at leaſtwiſe from Biſhops in their Convocations, as from Presbyters in their Aſſemblies; and ſo much the more, becauſe they have formerly felt the thunderbolts of thoſe of*

that ſtampe, but never from this latter ſorte. And now Sir, I proceede to repreſent unto you the evills, and inconveniences that doe proceede from the Government and Ceremonies of the Church, and truely in my opinion, *the chiefe and principall cauſe of all the evills which we have ſuffered, ſince the Reformation in this Church and State, hath proceeded from that diviſion which ſo unhappily hath ſprung up amongſt us, about Church government, and the Ceremonies of the Church, and from which part in that diviſion, I beleeve, it will appeare in the particulars.* I know well there is a great diviſion, and that upon great matters, betweene us and the Papiſts, and I am not ignorant that there have beene great and ſore breaches made upon our Civill Liberties, and the right of our proprieties.

But yet ſtill I returne to my former poſition, that the chiefe and moſt active cauſe hath proceeded *from the Government and Ceremonies of the Church*, and that thoſe other cauſes have either fallen into it, and ſo acted by it, or iſſued out of it, and ſo acted from it. As for Popery, *I conceive that to have beene a cauſe that hath fallen into this, and acted by it*; for at the *Reformation* it received ſuch a deadly wound by ſo many ſharpe Lawes enacted againſt it, that had it not beene enlivened by this diviſion amongſt us, it could never have had influence upon our Church and State to have troubled them, as this day wee feele; but finding that in this diviſion amongſt us, one party had need of ſome of their principalls to maintaine their *Hierarchy*, together with their worldly pompe and *Ceremonies*, which are appurtenances thereunto; from hence they firſt conceived a ground of hope, and afterwards found meanes of ſucceſſe, towards the introducing againe of their ſuperſtition and Idolatry into this Realme; and they wrought ſo diligently upon this *foundation*, that they have advanced their building very farre, and how neare they were to

ſet

ſet up the Roofe, I leave it to your conſideration. As for the evills which *we have ſuffered in our civill liberty, the right of our proprieties, I conceive they have proceeded out of this, and ſo acted from it; for if there had beene no breaches of* Parliaments, *there would have bin no need to have had recourſe unto thoſe broken Ciſternes, that can hold no water;* but there being a ſtoppage of *Parlamentary* ſupplyes, that was an occaſion of letting in upon us *ſuch* an *inundation of Monopolies*, and other illegall taxes, and impoſitions, accompanyed with many other heavy and ſore breaches of our *Liberties*. Now there needed not to have beene any breaches of *Parliaments*, had there not beene ſomething *diſliked in them*, and what was that? it could not bee any of theſe *civill* matters that bred the firſt difference, for they have proceeded out of it, therefore I conceive it was this: *The Prelates with their adherents* (the Papiſts alſo concurring with them for their intereſt) *did alwayes looke upon Parliaments with an evill eye, as no friends to their offices and functions, at leaſtwiſe to their Benefices and Dignities, and therefore* (ſome of them having alwayes had the grace to bee too neare to the Princes eares) *they have alwayes endeavoured to breed a diſ-affection in Kings from Parliaments, as the Preſſe and Pulpit doe abundantly witneſſe, and Ballads too, made by ſome of them upon the breaches of Parliaments.* But wee have a freſh and bleeding inſtance of this in the confirmation in his Majeſties name, which they procured to be prefixed before their new Booke of Canons, wherein they have endeavoured to make this impreſſion upon his Majeſties Royall minde, *that the Authors and Fomenters of the jealouſie in reſpect of the new Rites and Ceremonies lately introduced into the Church, which wee call innovations, did ſtrike at his Royall perſon, as if hee were perverted in his Religion, and did worſhip God in a ſuperſtitious way, and intended to bring in ſome Innovation in*

matter

matter of Religion. Now Sir, who are the authors of thoſe jealouſies? did they not come as complaints in the Petitions from the bodies of ſeverall Counties the laſt *Parliament*, and from more this preſent *Parliament?* and who were the fomenters of thoſe jealouſies? did not the generall ſence of the laſt Parliament concurre in it, that they were Innovations, and that they were ſuſpitions, as introductory to ſuperſtition? Nay, I appeale to all thoſe that hear me, which are drawn from al parts of the Kingdom, whether this be not the generall ſence of the greateſt and moſt conſiderable part of the whole Kingdom? *I beſeech you then to conſider, what kind Offices theſe men have done between the King and the Parlament, between the King and Kingdom, I ſpeak of the greateſt and moſt conſiderable part, as giving denomination to the whole.* And now Sir, as we have caſt our eye backwards, if wee will looke forwards, how doe the clouds thicken upon us, and what diſtractions, yea what dangers doe they threaten us withall, proceeding ſtill from the ſame root of Church Government and Ceremonies? *and truely as things now ſtand, I ſee but two wayes, the one of Deſtruction, the other of Satisfaction; Deſtruction I meane of the oppoſite partie to the Biſhops, and the Ceremonies, and reducing of all to Canonicall obedience, by faire meanes or by foule: this way hath beene already tryed, and what effect it hath brought forth in our neighbour kingdome, wee well know, and it is like to produce no very good effect in this Kingdome; if mens ſcruples and reaſons in that behalfe ſhall bee onely anſwered with Priſons, and Pillories, and hard Cenſures, that I may ſpeake moſt ſoftly of them. I hold therefore, that the other way of ſatisfaction is the ſafeſt, the eaſieſt, and the onely way. And that is to take into conſideration, the ſeverall heads of the evills, which are cauſes of theſe complaints, and to finde out, and apply the proper remedies thereunto.* For the furtherance whereof, I ſhall make bold

holde with your patience (which I am very unwilling to tire, but muſt tire my owne Conſcience if I ſhould not diſcharge it upon this occaſion) to repreſent a briefe Modell of the ſeverall heads and ſprings from whence the evills, which are cauſes of theſe complaints, doe naturally or occaſionally ariſe. The evils complained of, doe either ariſe from perſons, or from things; thoſe faults that are perſonall are beſides the poynt that I intend to ſpeake to, there is one onely remedy for them, that is, by puniſhment and removall of ſuch perſons, and the putting of better in their roome. As for thoſe evills which proceed from things, they alſo are remedied by a removall of ſuch things as are evill, and the putting of better in their roome; the evills and inconveniences of this kinde doe principally flow, either from the Clergies Offices and functions, or from their Benefices and Dignities; thoſe that ariſe from their Offices and functions, doe ariſe naturally either from the Lawes and Conſtitutions whereby, and according to which they exerciſe their Offices and functions, or from the Government it ſelfe, wherein they exerciſe thoſe functions. The faults that I note in the Eccleſiaſticall Lawes are, that they hold too much of the Civill Law, and too much of the Ceremoniall Law: Of the Civill Law, in reſpect of all thoſe Titles concerning Wills, and Legacies, tithes, marriages, adulteries, which all belonging to the Civill juriſdiction, and are no more of ſpirituall conſideration, than rapes, theſts, fellonies, or treaſons may bee. Sir, it is good that every bird ſhould have his owne feather, and I remember when one came to our *Saviour Chriſt, to deſire him that hee would cauſe his Brother to divide the inheritance with him, hee asked him; who made him a Iudge of ſuch things*: and may not we aske, who made them that take themſelves to bee ſucceſſours of Chriſt and his Apoſtles, Judges of ſuch things?

things? Many inconveniences ariſe from hence. Firſt, *that the mindes of Clergie men are inured to civill Dominion, and to meddle with civill matters.* Secondly, *the manner of their proceedings, is turned from a Spirituall way into the faſhion of Proceſſes in Temporall Courts.* And laſtly, which is worſt of all, *by thu meanes the Spirituall Sword comes to bee unſheathed about ſuch things as doe not at all fall under the ſtroake thereof.* Many are excommunicated for Pigges, Apples, and Nuts, and ſuch like things. But the other fault which I noted in the Eccleſiaſticall Lawes and Conſtitutions, pincheth us more, which is, *that they hold too much of the Ceremoniall Law.*

And here Mr. *Speaker*, give me leave to lament the condition of this our Church of *England*, beyond that of all other reformed Churches. A certaine number of *Ceremonies* in the judgement of ſome men unlawfull, and to bee rejected of all Churches, in the judgement of all other reformed Churches to bee rejected by them, and in the judgement of our owne Churches, but indifferent *Ceremonies*: and yet what difference? yea, what diſtractions have theſe indifferent *Ceremonies* raiſed among us? What hath deprived us of ſo many faithfull, able, and godly Miniſters ſince the Reformation, as able and as fit in all other reſpects to diſcharge that function, as any age ever produced in the Chriſtian Word ſince the time of the Apoſtles; I ſay what hath deprived us of them, but theſe *indifferent Ceremonies?* What hath deprived us of ſo many thouſand Chriſtians which deſired (and in all other reſpects deſerved) to hold communion with us; I ſay, what hath deprived us of them, and ſcattered them into I know not what places and corners of the World, *but theſe indifferent Ceremonies?* What hath cauſed ſo many hard cenſures, and harder executions, but theſe *indifferent Ceremonies?* What hath occaſioned thoſe calamities

I am [illegible] and dangers, which we feele, and which wee feare, but thoſe *indifferent Ceremonies?* I ſhall ſay no more of them, but *I pray God that now at length it may pleaſe his Majeſty with this his great Councell of Parliament, to take a view of them, and if there be a neceſsity to retaine them, let them be retained; but if not, then let us remove them, before they ruine us.* As to the evills and inconveniences that ariſe out of the government it ſelfe, I ſhould have noted ſomething amiſſe, as well in the *legiſlative* part, as in the *executive* part, but in the former I am prevented, by what hath beene already voted concerning the Power of making Canons: which votes if they bee brought to perfection, they will ſet us right in great part, in that reſpect; for ſurely, before the power was neither in the hands of ſuch as were repreſentative of that which is truely the Church of *England*, nor yet in the hands of thoſe that were truely repreſentative of the Clergy of *England*, if they were the whole Church, as indeed they are not. As to the *executive* part, which conſiſteth in the exerciſe of Eccleſiaſticall Juriſdiction, therein I note alſo two diſorders, Confuſion, and Corruption; Confuſion of the Spirituall Sword with the Temporall; Laymen ſtrike with the Spirituall ſword, and Spirituall men with the Temporall ſword: nay, out of the ſame mouth, and at the ſame time proceedeth an Excommunication, and a fine, or commitment, or both: I will not ſay poſitively, that it is unlawfull for Clergie-men to exerciſe civill juriſdiction, becauſe I know it is a queſtion, but yet ſuch a queſtion as hath bin determined by divers Canons of generall Councels, and by ſome that were made in Synods of the Church of *England*, that it is unlawfull, and that upon grounds which are not contemptible.

As firſt, that it is contrary to the precept and practice of Chriſt and his Apoſtles. And ſecondly, *That it is not*

poſſible for one man to diſcharge two Functions thereof either is ſufficient to imploy the whole man, eſpecially that of the Miniſtery ſo great, that they ought not to entangle themſelves with the affaires of this world. A third ground not ſo well obſerved generally, as in one part thereof, is this is, *That Miniſters of the Goſpell, being ſent eſpecially to gaine the Soules of men, they are to gaine as great intereſt as poſſible may be, in their minds and affections: Now we know that the nature of all men is ſuch, that they are apt to think hardly of thoſe that are any Authors of their pain and puniſhment, although it bee in a way of Iuſtice, and therefore as it is well knowne, that Clergy men are not to be preſent* in judicio ſanguinis; *ſo the ſame reaſon extends it ſelfe to the adminiſtration of all Civill juriſdiction, and therefore we may obſerve that our* Saviour Chriſt, *as hee alwayes rejected all Civill judicature, ſo on the other ſide, he went up and downe healing mens bodies, and otherwiſe doing good to their outward eſtate, that his Doctrine might have a freer and fairer paſſage into their Soules. For the corruption that I ſpoke of in the exerciſe of Eccleſiaſticall juriſdiction, I doe not meane any perſonall corruption, but a deviation or aberration from the preſcript of the Divine* Rule: *And though it bee not eaſie to finde what that is in all particulars, yet it is not hard to ſay, what it is not, and that I doubt may prove our caſe in divers things.* Eccleſiaſtical Juriſdiction *we know extendes either to the* Clergy *onely, and conſiſteth in the* Ordination, Admiſſion, Suſpenſion, *and* deprivation *of them, or elſe it extendeth to the whole* Church, *and conſiſteth in* Excommunication *and* Abſolution. *As to the* Ordination, Admiſſion, Suſpenſion, *and* Deprivation *of Miniſters; we ſee how it is wholy at the pleaſure of one man, and that of one man proceeding in a manner Arbitrarily, and that of one man whoſe intereſt is concerned in it, that the doore ſhall be ſhut againſt able and painfull preaching* Miniſters, *and a wide doore ſet open to ſuch*

as

as are [illegible] *able, and unfit for that function: many and* [illegible] *dangerous evills arise from hence. As first, that* [illegible] *a constant hate and feud betweene the Ecclesiasticall State and the Civill, betweene Prelates and Parliaments, betweene the* Canon Law *and the* Common Law, *betweene the* Clergy *and the* Common-wealth, *arising from the Disproportion and Dissimilitude which is betweene the* Civill *and* Ecclesiasticall Government, *however it may seeme to some to agree well enough, but the* truth is, *if we consider his* Majesty *as the Common-head over the* Ecclesiasticall State, *as well as the* Civill, *wee shall finde that in the exercise of all Civill jurisdiction, in all Courts under his* Majesty, *the power is not in any one, or his Deputies and Commissaries, as it is in the* Ecclesiasticall Government, *in the severall Dioceses throughout this* Kingdome: *If wee looke first upon the Highest and greatest Court, the* High Court of Parliament, *wee know that is a Councell, and a great* Councell *too. In like manner, in the inferiour Courts of* Westminster-Hall, *there are many* Judges *in the point of Law, and more in matter of Fact, wherein every man is judged by twelve of equall condition unto him,* (I meane the Juries,) *which are Iudges of the Fact, both in causes Civill and Criminall. And if we look into the Country, we shall find the* Sessions *and* Assizes, *and other* Courts, *held not by any one, but by divers* Commissioners. *And in short, in the Civill Government, every man from the greatest to the least, hath some share in the* Government *according to the* Proportion *of his* Interest *in the* Common-wealth: *But in the* Government *of the* Church, *all is in the hands of one Man, in the severall* Dioceses, *or of his* Chancellors, *or* Commissaries, *and he exacts Canonicall Obedience, to his* Pontificall *Commands, with a totall Exclusion of those that notwithstanding have as much share in the* Church, *and consequently as much Interest in the* Government *of it, as they have in that of the*

Common-wealth. (Sir) untill the Ecclesiastical government be framed something of another twist and be more assimilated unto that of the Common-wealth, I feare the Ecclesiasticall government will bee no good neighbour unto the Civill, but will be still a casting in of its leaven into it, to reduce that also to a sole, absolute, and arbitrary way of proceeding : And herein (Sir) I doe not beleeve, that I utter Prophesies, but what wee have already found and felt.

A second, and that a great evill, and of dangerous consequence, in this sole and arbitrary power of Bishops over their Clergy, is this, that they have by that meanes, a power to place, and displace the whole Clergy of their Diocesse at their pleasure : and this is such a power, as for my part, I had rather they had the like power over the Estate and persons of all within their Diocesse ; for if I hold the one, but at the will and pleasure of one man, (I meane the Ministery under which I must live) I can have but little, or at least no certain joy nor comfort in the other. But this is not all, for if they have such a power to mould the Clergy of their Diocesses, according to their pleasure, wee know what an Influence they may have by them upon the people, & that in a short time they may bring them to such blindnesse, and so mould them also to their owne wills, as that they may bring in what Religion they please : nay, having put out our eyes, as the *Philistins* did *Sampsons*, they may afterwards make us grinde, and reduce us unto what slavery they please, either unto themselves, as formerly they have done, or unto others, as some of them lately have beene forward enough to doe. Now whether it be safe to walke upon Stilts on the top of the pinacles of the Temple, upon so high *precipices*, as are the matters of Religion and Conscience (which may have also a dangerous Influence upon our civill liberties) I leave it to your consideration : for my part I should

ſhould not thinke it ſafe, that ſuch a power ſhould bee in [illegible]e man, though you ſuppoſe him to be a very [illegible]an.

A third evill, and that of dangerous conſequence, is that the doore is ſhut againſt able and painfull Preaching *Miniſters*, and a wide doore ſet open to thoſe that are unable, and unfit for that function, and the Biſhops intereſt is concerned in it, that it ſhould bee ſo, *Intereſt of honour, Intereſt of profit, and Intereſt of power, Intereſt of credit*; for they ſee that thoſe painfull Preachers carry away all the credit from them, and they neither can nor will doe the like themſelves: they cannot by reaſon they are ſo intangled with the affaires of this world, and civill juriſdiction; they will not, their great Dignities and Honours make them ſo ſtately, that they thinke it is not Epiſcopall to preach often; and on the other ſide, they are ſo fat, and live ſo much at their eaſe, that through idleneſſe they cannot bring their mindes unto it, and ſo firſt ariſeth envy againſt thoſe that doe take paines, and thence after ſpringeth perſecution. In the next place, *their Intereſt is concerned in matter of profit: for they ſuppoſe, that if the credit of their* Diana *fall to the ground, their gaine will after ceaſe, and that the people will thinke much, that ſome men ſhould take all the paines, and other goe away with all the profit.*

Laſtly, *their Intereſt is concerned in it, in poynt of power, for they finde that neither ſuch preaching Miniſters, nor their Auditors, are ſo plyable to yield blinde Canonicall obedience, as others are: and ſo it concernes them in poynt of power to ſtop their mouthes.*

And now it muſt needes follow by the rule of *Contraries, that it muſt be for their profit, honour, and power, to ſet open a doore to idle and unfit Miniſters.* But there are two particulars which I will note, wherein it concernes them in their profits, to ſet the doore very

wide open, where there is no ſuſpition of *refra*[illegible]. Firſt, we know Biſhops have many times *Li*[illegible] in *Commendum* and *Pluralities*: but there is hard[illegible] but they have impropriations, whereof they are to ſee the Cure diſcharged, and therefore it is for their profit, that there may be good ſtore of cheap Curates, which cannot be very fit and able men; and with ſuch ordinarily they furniſh the Cures of ſuch places whereof they have the Impropriations. (Sir) In the next place we know, that orders are not given, but in a manner ſold, for not onely the Biſhop, and his Regiſter, but alſo his Uſher, his Chamberlaine, his Butler, and Porter, and almoſt all his meniall ſervants muſt have their fees, before the poore Clerke with his Boxe full of Orders can paſſe the Porters Lodge. I heare much of the legall Simony, which conſiſteth in the buying and ſelling of Benefices, but whether this doth not approach nearer to the Evangelicall Simony, which conſiſteth in the buying and ſelling of the gifts of the holy Ghoſt; I offer it to your conſideration. Now (Sir) for Excommunication and Abſolution, all ſeemes to be out of poynt, for Excommunication is neither in right hands, nor exerciſed upon right grounds and matters, nor in a right forme and manner, nor to right ends, and then it is no marvell if it have not right effects. (Sir) we know our Saviour hath lodged it in the Church (for ſo runs the precept) *die Eccleſiæ*: now (Sir) that one man ſhould bee a Church, ſounds ſtrangely in my eares. In the next place (I beſeech you Sir) conſider about what their Spirituall Sword is exerciſed, about things no way lying under the ſtroke thereof; A man ſhall be excommunicated for a Pig, or for an Apple, and ſuch like things: I heard once a Gentleman of the Civill Law anſwer hereunto in this houſe, that the Excommunication was not for the thing, but for the contempt, and the leſſe the thing was, that was commanded,

ded, the greater was the contempt : If this were ſo, ſure the greater is the cruelty, to lay command upon ſo ſlight a matter, that draweth after it ſo deepe a cenſure, as to caſt a man downe into Hell. Suppoſe a Magiſtrate ſhould command ſome triviall matter, ſome ceremony, or other, under pain of treaſon, and ſhould proceed againſt the Infringers of his command as Traytors, it were much to be doubted, whether the command did not partake more of cruelty, than the diſobedience of contempt ; for when authority ſhall ſo farre loſe it ſelfe, as to lay ſo great a weight upon ſo ſmall a matter, it rendreth it ſelfe contemptible, and then it is no marvaile (I had almoſt ſayd) it is no fault, if it bee contemned, having made it ſelfe contemptible. Then Sir, for the forme of proceeding, it is no whit ſpirituall, there is no faſting and prayer, no ſeeking to reclaime the ſinner, but rather it is after the faſhion of a ſummary Proceſſe in a *civill Court*, nay, *Sir*, it is accompanyed ſometimes with an intimation that no man ſhall buy or ſell with the perſon excommunicated, nor ſet him a worke, nor doe any civill or naturall offices unto him. As wee had a complaint brought in this *Parliament*, of a Sonne that was excommunicated onely for repeating a Sermon to his father, being an excommunicate perſon. Now Sir, for the ends for which this cenſure is executed, they are ordinarily to fetch in fees, or at the beſt to bring men under Canonicall obedience, which is the *Ordinaries* will and pleaſure, and I have ſometimes ſeene a *Miniſter* pronounce an *Excommunication*, which he held in one hand, and preſently after the abſolution which he held in the other, ſo the end of the excommunication was the abſolution, and the end of that was fees : (Sir) for the honour of God, for the honour of our nationall Church, and for the honour of the Chriſtian Religion, let the high and great cenſure of the Church no longer lackey after fees, let not

Chriſtians

Christians any longer be cast to Sathan, in the name of *Iesus Christ*, for the non payment of a groat. And now Sir, we may imagine what effects are like to follow upon such premises, the great and dreadfull censure of Excommunication is thereby made contemptible, and were it not for the civill restraints, and penalties that follow upon it, no man would purchase an absolution, though he may have it for a halfe-peny. And I have heard of some that have thanked the Ordinaries for abating or remitting the fees of the Courts; but I never heard of any that thanked them, for reclaiming their soules to repentance, by their Excommunications; (Sir) for absolution, it is relative to excommunication, and so labours of the same diseases: onely one thing I shall particularly note concerning absolution, (Sir) it is called commutation of penance, but indeed it is a destruction of the Ordinance, *making it voyd*, and of none effect, *and surely God never set his Ministers to sell indulgences in his Church.* The oath that is to precede absolution, *de parendo juri ecclesiæ, & stando, &c.* hath already beene sufficiently spoken unto, in the debate about the Canons, and therefore there will bee no need of speaking more to that. Now Sir, I am come to my last head, wherein I shall be very briefe; and that is concerning the evills that arise out of the benefices and dignities of the Clergy, the common cause being from the inequality of the distribution of them, much resembling a disease very ordinary at this time amongst Children, which they call the Rickets, wherein the nourishment goeth all to the upper parts, which are over-great and monstrous, and the lower parts pine away: and so it is in the Clergy, some are so poore, that they cannot attend their Ministery, but are faine to keepe schooles, nay, Ale-houses some of them; and some others are so stately, they will not attend their Ministery, and so between them the flock starves: but

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our evils have more eſpecially proceeded from the exceſſive worldly wealth, and dignities of one part of the Clergie, I meane ſuch as either are in poſſeſſion, or in hopes of Biſhopricks, for theſe great places of profit and honour, firſt, have beene the baites of ambition, and then they became the apples of contention, and laſt of all, the ſeeds of ſuperſtition, the one being a ſtep and degree unto the other, and all of them leading in the end to the corruption, (that I may not ſay ſubverſion) of our Religion. Sir, they are firſt the baites of ambition, and I know not by what ſecret cauſe, but experience ſheweth us, that when Clergy men have once taſted the ſweet of worldly wealth and honours, they are more eager and ambitious after them than any other ſort of men; hereupon other godly Miniſters, that live more according to the ſimplicity of the Goſpell, and the example of *Chriſt* and his Apoſtles, cannot but beare witneſſe againſt their worldly pomp and dignities, and ſo the fire of contention breaketh forth. And truely (Sir) the ſtate of the Clergy is very like to fire, which whilſt it keeps in the Chimney, it is of excellent uſe to warme thoſe that approach unto it, but if it once breake out into the houſe, and get upon the houſe top, it ſets all on fire: ſo whilſt the Clergy keepe themſelves *within the pulpit*, they are of great uſe to ſtirre up the zeale and devotion of Chriſtians, but if they once flye out into the houſe, if they begin to meddle with Civill places and juriſdictions, and eſpecially if they once get up to the Counſell-table, it is ſeldome ſeene, but that at length they ſet all on fire; and what is it that maketh the fire to breake out of the chimney, but too much fuell? if there be but a moderate proportion of fuell, the fire keepes it ſelfe within its bounds, but if you heape faggot upon faggot, a whole Cart load together, then it breaketh out: (So Sir) if there bee a competent maintenance for the Miniſtery, they will

keep themſelves within their bounds, but if Living be heaped upon Living, and Temporalities added to Spiritualities, the flame will ſoone breake out, and ſet the houſe on fire. (Sir) I doe not envy the wealth or greatneſſe of the Clergy, but I am very confident, if thoſe were leſſe, they would be better, and doe more ſervice to *Chriſt* and his *Church*; and I am very clear in mine owne heart, that the livings of the Clergy being more equally diſtributed, the ſervice of God would be ſo farre from receiving any prejudice, that it would bee much advanced, and withall a good proportion of revenue might returne againe to the Crowne, from whence it was firſt derived. (Sir) *Biſhopricks, Deanries, and Chapiters, are like to great waſters in a Wood, they make no proofe themſelves, they cumber the ground whereon they ſtand, and with their great Armes and Boughes ſtretched forth on every ſide, partly by their ſhade, and partly by their ſowre droppings, they hinder all the young wood under them from growing and thriving.* To ſpeake plaine Engliſh, theſe Biſhops, Deanes, and Chapiters, doe little good themſelves by preaching, or otherwiſe; and if they were felled, a great deale of good timber might be cut out of them, for the uſes of the Church, and Kingdome at this time. A freſh ſtoole of three or foure able Miniſters might ſpring up in their ſtead to very good purpoſe in theſe great Townes, which are Ordinarily the Seats of thoſe Epiſcopall, and Collegiate Churches, and the private Congregations of divers Parochiall Churches might thrive and grow better, which now have the Sunne of Gods Word, I meane the cleare and ſpirituall preaching thereof kept from them, and live in the dangerous ſhade of ignorance, by reaſon that all the meanes is taken from them, and appropriated unto Biſhops, or to Deanries, and Chapiters, and other ſuch Collegiate Churches. Beſides, ſuch as doe begin to grow and ſtart up through the voluntary pains

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of some amongst them, or by such preaching as they themselves have procured by their voluntary contributions, should not still bee dropped on as they are, from the armes and appendances of those great wasters, and kept downe continually by their bitter persecutions. That which remaines now, is to shew how these great Revenues and Dignities, become the seedes of superstition, and that is this: *The Clergy in the maintenance of their greatnesse, which they are neither willing to forgoe, nor yet well able to maintaine upon the principles of the Reformed Religion, finding that the popish principles, whereon the Bishop of* Rome *built his greatnesse, to serve well unto their ends, that maketh them to side with that party, and that must needs bring in superstition: and as ambition alureth on the one side, so the principles they goe by, draw them on farther and farther, and happily at length farther than they themselves at first intended.* Whether a reconciliation with *Rome*, were imagined or no by some, I leave it to every one to judge within himselfe: But sure I am, if an accommodation could have beene made in some fashion or other, with the Church of *Rome*, the Clergy might againe be capable of forraigne preferments, and *Cardinals* Caps, and this is no small temptation. Now Sir, I am at an end, onely I shall draw out three conclusions, which I conceive may clearely be collected out of what I have said. *First, that civill jurisdiction in the persons of Clergy-men, together with their great Revenues, and high places of dignity, is one great cause of the evills which we suffer in matter of Religion. Secondly, that the sole and arbitrary power of Bishops in the ordaining and depriving of Ministers, and in Excommunication, and absolution, is another great cause of the evills we suffer in matter of Religion. Thirdly, the strict urging of Subscription, and Conformity to the Ceremonies, and Canons of the Church is another great cause of evill, which wee suffer in matter of Religion.*

And now my humble motion is, that we ſhould take a piece onely of this ſubject into our conſideration, but the whole matter, and that not onely that part of the Miniſters Remonſtrance, which hath beene read, ſhould be referred to the Committee which you are about to name, but *Londons* Petition alſo, and all other Petitions of the like nature, ſo ſoone as they ſhall bee read in the houſe, and that the Committee may collect out of them all ſuch heads as are fit for the conſideration of this houſe, and ſurely that is fit to bee conſidered, that happily will not be thought fit to be altered: conſideration is one thing, and alteration another: where there is a mixture of bad and good together, the whole muſt bee conſidered, that we may know how to ſever the good from the bad, and ſo retaine the one, and reject the other, which is all that I deſire. And if any thing have fallen from me more inconſiderate (as in ſo long a diſcourſe many things may have done) I humbly crave the pardon of the houſe, proteſting that I have ſpoken nothing but with a minde which is ready to ſacrifice the body it dwelleth in, to the peace and ſafety of his Majeſties Kingdomes, and the ſafety and honour of his Majeſty in the Government of them.

A Speech made before the Lords in the Upper Houſe; by Mr. *Francis Rous* Eſquire; *March* the 16th. 1640.

Againſt Dr. Coſſens, *Dr.* Maynwaring, *and Dr.* Beale.

My LORDS,

I AM commanded by the Houſe of *Commons* to preſent to your Lordſhips a Declaration and Impeachment againſt Dr. *Coſſens*, and others, upon the complaint of Mr. *Peter Smart*; which Mr. *Smart* was a *Proto-Martyr*, or, firſt Confeſſor of note in the late dayes of perſecution. The whole matter is a Tree, whereof the branches and fruit are manifeſt in the Articles of this declaration; which being read, I ſhall with your Lordſhips favour diſcover and lay open the root.

The Declaration was read, and then He proceeded thus:

My Lords,

I AM now to discover the root of Mr. *Swarts* Persecution.

Your *Lordships* have heard of a great Designe to bring in Popery; you have heard of Armies of Souldiers, and particularly of the Popish Irish Armie, the burthen and Complaint of the Commons. But there is another Army not so much spoken of, and that is an Army of Priests: for since Altars came in (so they delight to be called,) it is a saying of *Gregory* the Great, that when Antichrist comes, *Præparatus est exercitus Sacerdotum*: *There is an Armie of Priests ready to receive him*: this is fulfilled in our time; for certainty this Army of Priests doth many wayes advance the designe and plot of *Popery*. A first is by the subversion of our Lawes, and Government; our *Lawes* and *Popery* cannot stand together; but either *Popery* must overthrow our *Lawes*, or our *Lawes* must overthrow *Popery*: but to overthrow our *Lawes* they must overthrow *Parliaments*; and to overthrow Parliaments, they must overthrow property; thy must bring the Subjects goods to be arbitrarily disposed, that so there may bee no need of *Parliament*; this hath bin done by Dr. *Maynwaring*, (whom we finde wanting yet not in the seats, but in the Bar of the *Lords house*) and the like by Dr. *Beale*: and I think it was the intention of the late Canons.

A second way, by which this Army of Priests advanceth the *Popish* Designe, is the way of Treatie. This hath bin acted both by writings & conference; *Sancta Clara* himselfe saith, *Doctissimi eorum quibuscunque egi*; so it seems they have had conferences together: And *Sancta Clara* on his part, labours to bring the Articles of our Church to *Popery*; and some of our side strive to meete him in that way: we have a testimony that the great

Arch-Priest

Arch-Priest himſelfe hath ſaid; *It were no hard matter to make a reconciliation, if a wiſe man had the handling of it.* But I verily beleeve, that as the ſtate of *Papacie* ſtands, a farre wiſer man than hee cannot reconcile *Us*, without the loſſe of our Religion. For the *Pope* being faſtned to his Errors, even by his Chaire of Inerrability, hee ſits ſtill unmoved, and ſo wee cannot meete, except we come wholly to him. A man ſtanding in a Boat tyed to a Rocke, when he drawes the Rope, doth not draw the Rocke to the Boat, but the Boat to the Rock. And *Sancta Clara* doth (in this ſomewhat honeſtly) confeſſe it: for he ſaith that he dealt in this way of Treatie, not to draw the *Church* to the Proteſtants; but the Proteſtants to the *Church*.

A third way is a way of violence, this violence they exerciſe partly by Secular *Armes*, and partly by Prieſtly *Armes*, which they call Spirituall: for Secular *Armes* we have their owne confeſſion, that the late warre was *Bellum Epiſcopale*; and we have the Papiſts confeſſion, that it was *Bellum Papale*; for in their motives, they ſay, *That the warre concernes them not onely as ſubjects, but as Catholikes*, for ſo they falſely call themſelves: and if it be ſo, then *Bellum Epiſcopale*, is alſo *Bellum Papale*: in the *Epiſcopall* Warre, the *Papall* cauſe is advanced: For the Spirituall *Armes*, thus they come to execution.

When a great Man is comming, his Sumpters, his Furniture, his Proviſions goe before: the *Popes* Furniture, *Altars* and *Copes*, *Pictures* and *Images* are come before; (and if wee beleeve Dr. *Coſſens*) the very ſubſtance of the *Maſſe*; a certaine ſigne that the *Pope* was not farre off. Now theſe fore-runners being come, if any man reſiſt them, Fire comes out of the Brambles, and devoures the Cedars of Lebanon: the *Army* of the *Prieſts* falls upon him with their *Armes* of Suſpenſion, Sequeſtration, Excommunication,

Degrada-

Degradation, and Deprivation. And by theſe *Armes* hath Mr. *Smart* beene oppreſſed and undone. Hee falls upon their Superſtitions, and Innovations, and they fall upon him with their *Armes*, they beate him down, yea they pull him up by the rootes, taking away all his meanes of maintenance and living; yet they leave him life to feele his miſeries: *Ita feriunt, ut diu ſe ſentiat mori*; there is no cruelty to Prieſtly cruelty; theſe are they that did put our very Saviour to death: the *Calling* is Reverend, but the Corruption of it moſt pernicious; *Corruptio optimi peſsima*: I know no reaſon of this change, except it be that of the Apoſtle: *Becauſe when they knew God, they did not worſhip him as God*, but made a God of the World, placing the excellency of *Prieſthood* in worldly pompe and greatneſſe, and gave the glory of the inviſible God, to *Pictures*, *Images*, and *Altars*: therefore God gave them up to vile affections, to be implacable, unmercifull, and without naturall affection. But whatſoever the cauſe is of their Corruption; certainly their *Armes* have fallen heavily upon Mr. *Smart*, and *Prieſtly* cruelty hath caſt him into a long miſery, from which he could get no releaſe by any *Prieſtly* mercy.

And now it is prayed, *that as theſe Delinquents by the cruell oppreſſions of Mr.* Smart *have advanced the Cauſe of* Popery, *ſo they may in ſuch a degree of Iuſtice bee puniſhed, that in them* Prieſtly *cruelty, and the very cauſe of* Popery *may appeare to be puniſhed and ſuppreſſed, and that Mr.* Smart *ſuffering for the Cauſe of* Proteſtancy *may bee ſo repaired, that in him pious Conſtancy, and the very Cauſe of* Proteſtancy *may appeare to be righted and repaired.*

The

A ſecond Speech of the Honorable NATHANAEL FIENNES (ſecond Son to the right Honourable the Lord *Say*) touching the Subjects Liberty againſt the late Canons *and the new Oath.*

Mr. *Speaker*,

NOW that we are about to brand theſe Canons in reſpect of the matter contained in them, it is the proper time to open the foulneſſe thereof: and though much of this hath beene anticipated in the generall debate, yet if any thing hath beene omitted, or if any thing may bee farther cleared in that kinde, it is for the ſervice of the Houſe, that it ſhould now be done.

Sir I conceive theſe Canons doe containe ſundry matters, which are not onely contrary to the Lawes of this Land, but alſo deſtructive of the very principall and fundamentall Lawes of this Kingdome. I ſhall begin with the firſt Canon, wherein the framers of theſe Canons have aſſumed unto themſelves a Parlia-

mentary power, and that too in a very high degree, for they have taken upon them to define what is the power of the King, what the liberty of the Subjects, and what propriety hee hath in his goods. If this bee not proper to a Parliament, I know not what is. Nay it is the higheſt matter that can fall under the conſideration of a Parliament, and ſuch a poynt as wherein they would have walked with more tenderneſſe and circumſpection than theſe bold Divines have done. And ſurely, as this was an act of ſuch preſumption as no age can parallell: ſo is it of ſuch dangerous conſequence as nothing can be more. For they doe not onely take upon them to determine matters of this nature, but alſo under great penalties, forbid all Parſons, Vicars, Curates, Readers in Divinity, &c. to ſpeake any other wayes of them then as they had defined, by which meanes having ſeized upon all the Conduites, whereby knowledge is convayed to the people, how eaſie would it bee for them in time, to undermine the Kings Prerogative, and to ſuppreſſe the ſubjects liberty, or both.

And now (Sir) I beſeech you to conſider how they have defined this high and great poynt; they have dealt with us in matter of Divinity, as the Judges had done before in matter of Law: they firſt tooke upon them to determine a matter that belonged not to their Judicature, but onely to the Parliament, and after by their judgement they overthrew our propriety, and juſt ſo have theſe Divines dealt with us: they tell us that Kings are an Ordinance of God, of *Divine Right*, and founded in the prime Lawes of Nature, from whence it will follow that all other formes of government, as *Ariſtocracies*, and *Democracies*, are wicked formes of government, contrary to the Ordinance of God, and the Prime Lawes of Nature, which is ſuch new Divinitie as

I never

never read in any Booke, but inthis new Booke of Canons.

Mr. *Speaker*, We all know that Kings, and States, and Iudges, and all Magiſtrates are the Ordinances of God, but (Sir) give mee leave to ſay they were the Ordinances of men, before they were the Ordinances of God. I know I am upon a great and high poynt, but I ſpeake by as great and as high a warrant, if St. *Peters* chaire cannot erre (as St. *Peters* Epiſtles cannot) thus he teacheth us, *Submit your ſelfe to every Ordinance of man for the Lords ſake, whether it bee to the King as ſupreame, or to the Governour, as to him that is ſent by him, &c.*

(Sir) It is worthy noting, that they are Ordinances of men, but that they are to be ſubmitted unto for the Lords ſake and truely their power is as juſt, and their ſubjects allegeance as due unto them, though we ſuppoſe them to bee firſt ordinances of men, and then confirmed, and eſtabliſhed by Gods Ordinance, as if wee ſuppoſe them to bee immediate Ordinances of God, and ſo received by men. But there was ſomewhat in it, that theſe Divines aimed at, I ſuppoſe it was this. If Kings were of *Divine Right*, as the Office of a Paſtor in the Church, or founded in the prime Lawes of Nature, as the power of a Father in a Family; then it would certainly follow, that they ſhould receive the faſhion and manner of their government, onely from the Preſcript of Gods Word, or of the Lawes of Nature, and conſequently, if there bee no Text, neither of the *Old* nor *New Teſtament*, nor yet any Law of Nature, that Kings may not make Lawes without *Parliaments*, they may make Lawes without *Parliaments*, and if neither in the Scripture, nor in the Law of Nature, Kings be forbidden to lay taxes or any kind of impoſitions upon their people without conſent in Parliament, they may doe it out of Parliament,

ment: and that this was their meaning, they expreſſe it after in plaine termes, for they ſay that Subſidies and taxes, and all manner of ayds are due unto Kings by the Law of God, and of Nature. (Sir) if they bee due by the Law of God and of Nature, they are due, though there be no act of Parliament for them: nay (Sir) if they bee due by ſuch a right, a hundred acts of Parliaments cannot take them away, or make them undue. And (Sir) that they meant it of Subſidies and aids taken without conſent in Parliament, is clearely that addition that they ſubjoyne unto it, that this doth not take away from the Subject the propriety hee hath in his goods, for had they ſpoken of Subſidies and aydes given by conſent in *Parliament*, this would have been a very ridiculous addition, for who ever made any queſtion, whether the giving Subſidies in Parliament did take away from the Subject the propriety hee hath in his goods, when as it doth evidently imply they have a propriety in their goods? for they could not give unleſſe they had ſomething to give: but becauſe that was alledged as a chiefe reaſon againſt Ship-money, and other ſuch illegall payments levied upon the people, without their conſent in Parliament, that it did deprive them of their right of propriety, which they have in their goods, theſe *Divines* would ſeem to make ſome anſwer thereunto, but in truth their anſwer is nothing elſe but the bare aſſertion of a contradiction, and it is an eaſie thing to ſay a contradiction, but impoſſible to reconcile it; for certainely if it bee a true rule (as it is moſt true) *quod meum eſt ſine conſenſu meo, non poteſt fieri alienum*; to take my goods without my conſent muſt needes deſtroy my propriety. Another thing in this firſt Canon, wherein they have aſſumed unto themſelves a *Parliamentarie* power, is in that they take upon them to define what is Treaſon, beſides what is determined in the ſtatute of Treaſons.

They

They ſay, to ſet up any coactive independent power is treaſonable both againſt God and the King, the queſtion is not whether it bee true they ſay or no, but whether they have power to ſay what is Treaſon, and what not? But now (Sir) that I am upon this point, *I would gladly know what kinde of power that is, which is exerciſed by Arch-Biſhops, Biſhops, Deanes, Arch-Deacons, &c.* Coactive certainely it is, all the Kingdome feeles the laſh thereof, and it muſt needs bee independant, if it be *jure Divino*, as they hold it, for they doe not meane by an independant power, ſuch a power as doth not depend on GOD. Beſides, if their power be dependant, of whom is it dependant? not of the King, for the Law acknowledgeth no way whereby Eccleſiaſticall juriſdiction can bee derived from his Majeſtie, but by his Commiſſion under the great Seale, which as I am informed, they have not: *I ſpeake not of the High Commiſſion, but of that juriſdiction which they exerciſe in their Archiepiſcopall, Epiſcopall, Archidaconall Courts, &c. and therefore if their owne ſentence bee juſt, wee know what they are, and what they have pronounced againſt themſelves.* But (Sir) it were worth knowing what they aimed at in that independent coactive power, which they terme popular. *I will not take upon me to unfold their meaning; but wee know Doctor* Beale *had a hand in the making of theſe Canons, and if wee apply his* Paraphraſe *to the* Text, *it may give us ſome clearenesſe.* I remember amongſt other notes of his this was one, that he did acknowledge the Kings Supremacy, but would joyne unto him an aſſiſtant (*viz.*) the people, meaning this Houſe, which being the repreſentative body of the COMMONS of *England*, and claiming, as it is ſo, a ſhare in the Legiſlative power, Doctor *Beale* calleth this a joyning of an aſſiſtant to the King, in whom ſoly hee placeth the power of making Lawes, and that it

is but of grace, that he aſſumeth either the Lords, or Commons for the making of Lawes with him. Now (Sir) the *Legiſlative* power is the greateſt power, and therefore coactive, and it is the higheſt power, and therefore independent, and if every Eſtate for the proportion it hath therein, ſhould not have ſuch a power, it ſhould not have it of right, as founded in the Fabricke and frame of the policy and government, but of Grace, or by Commiſſion, as Dr. *Beale* affirmeth. I have done with the firſt Canon, onely I ſhall adde this, that conſidering the principles and poſitions that are laid downe therein, and comparing them with a clauſe towards the end of the Canon, that in no caſe imaginable it is lawfull for ſubjects to defend themſelves, we may judge how farre forth theſe Canons were to prepare mens mindes for the force that was to follow after; if the accuſation againſt my Lord of *Strafford* bee layed aright. For the matter it ſelfe, I hope there will never be any need to diſpute that queſtion, and I doe beleeve they had as little need, to have publiſhed that poſition, had it not beene upon deſigne. As for the ſecond Canon, therein alſo they have aſſumed to themſelves a Parliamentary power, *in taking upon them*, to appoynt Holidayes, whereas the ſtatute ſaith in expreſſe words, that ſuch dayes ſhall bee onely kept as Holydayes as are named in the Statute, and no other, and therefore though the thing may be *bonum*, yet it was not done *bene*, becauſe not ordained by Parliament, notwithſtanding what hath beene alledged to the contrary: it ſeemeth to mee to bee the appoynting of an Holy-day, to ſet a time a part for Divine ſervice, and to force men under penalties to leave their labours, and buſineſſe, and to be preſent at it. And of the ſame nature is that other clauſe, in the ſame Canon, wherein they take upon them without *Parliament*, to lay a charge upon the people, enjoyning two Bookes at leaſt for that day,

day, to be bought at the charge of the pariſh, for by the ſame right, that they may lay a penny on the Pariſh without *Parliament*, they may lay a pound or any greater ſumme.

As to the third Canon, I ſhall paſſe it over, onely the obſervation that my neighbour of the long Robe made upon it, ſeemes unto me ſo good, as that it is worth the repeating, that whereas in the Canon againſt Sectaries there is an eſpeciall *proviſo*, that it ſhall not derogate from any Statute, or Law made againſt them (as if their Canons had any power to diſanull an act of Parliament) there is no ſuch *proviſo* in this Canon againſt Papiſts, from whence it may bee probably conjectured, that they might have drawne ſome colour of exemption from the penall Lawes eſtabliſhed againſt them from this Canon, becauſe it might ſeeme hard that they ſhould be doubly puniſhed for the ſame thing, as wee know in the poynt of abſence from the Church; the Law provideth, that if any man be firſt puniſhed by the Ordinary, he ſhall not be puniſhed againe by the Iuſtices.

For the fourth Canon againſt *Socinianiſme*, therein alſo theſe Canon-makers have aſſumed to themſelves, a Parliament power, in determining an Hereſie not determined by Law, which is expreſſely reſerved to the determination of a Parliament. *It is true, they ſay it is a complication of many hereſies, condemned in the four firſt Councells, but they doe not ſay what thoſe Hereſies are, and it is not poſsible that Socinianiſme ſhould bee formally condemned in theſe Councells, for it is ſprung up but of late:* Therefore they have taken upon them, to determine and damne a Hereſie, and that ſo generally, as that it may bee of very dangerous conſequence, for condemning *Socinianiſme* for an hereſie, and not declaring what is, *Socinianiſme*, it is left in their breaſts whom they will judge and call a *Socinian*. I would not

have

have any thing that I have ſaid to be interpreted, as if I had ſpoken it in favour of *Socinianiſme*, & (if it be ſuch as I apprehend it to be) is indeed a moſt vile and damnable hereſie, and therefore the framers of theſe Canons, are the more to blame in the next Canon againſt Sectaries, wherein beſides that in the preamble thereof, they lay it downe for a certaine ground, which the holy Synod knew full well, that other Sects (*which they extend not onely to Browniſts and Separatiſts, but alſo to all perſons, that for the ſpace of a month, doe abſent themſelves without a reaſonable cauſe, from their owne pariſh Churches*) doe equally endeavour the ſubverſion of the Diſcipline, and Doctrine of the Church of *England* with the Papiſts, although the worſt of them doe not beare any proportion, in that reſpect to the Papiſts, I ſay beſides that they make them equall in crime and puniſhment to the Papiſts, notwithſtanding the great diſproportion of their Tenents: there is another paſſage in this Canon relative to that againſt *Socinianiſme*, which I ſhall eſpecially offer to your conſideration, and that is this. *If a Gentleman comming from beyond Seas ſhould happen to bring over with him a Booke contrary to the Diſcipline of the Church of England, or ſhould give ſuch a Booke to his friend, nay if any man ſhould abett, or maintaine an opinion contrary thereunto, though it were but in Parliament, if hee thought it fit to be altered, by this Canon he is excommunicated* ipſo facto, *and lyeth under the ſame conſideration, and is lyable to the ſame puniſhment; as if he had maintained an opinion againſt the Deity of* Chriſt, *and of the Holy Ghoſt, and of our Juſtification by the ſatisfaction of Chriſt.*

(Sir) if in things that are in their owne Nature indifferent, if in things diſputable it ſhall bee as hainous to abett or maintaine an opinion, as in the moſt horrible and monſtrous hereſies, that can be imagined, what liberty is left to us as Chriſtians? What liberty is left

to

to us as men? I proceed to the ſixt Canon, wherein theſe *Canoniſts* have aſſumed to themſelves a Parliamentary power, and that in a very high degree, in that they have taken upon them to impoſe new Oathes upon the Kings Subjects. (Sir) under favour, of what hath beene alleaged to the contrary, to impoſe an Oath, if it be not an higher power, then to make a Law, it is a power of making a Law of moſt high Nature, and of higher and farther conſequence then any other Law, and I ſhould much rather chuſe that the Convocation ſhould have a power to make Lawes, to binde my perſon and my eſtate, then that they ſhould have a power to make Oathes to binde my Conſcience: a Law bindes me no longer than till another Law bee made to alter it, but my Oath bindes mee as long as I live.

Againe, a *Law bindes me either to obedience; or to undergoe the penalty inflicted by the Law, but my Oath bindes mee abſolutely to obedience.* And laſtly, *a Law bindes me no longer than I am in the Land, or at the fartheſt no longer than I am a member of the State; wherein and whereby the Law is made, but my Oath once being taken doth binde mee in all places, and in all conditions ſo long as I live.* Thus much I thought good to ſpeake, concerning the power of impoſing new Oathes: as to the matter of this new Oath, it is wholly illegall. *It is againſt the Law of this Land, it is againſt the Law and light of Nature, it is againſt the Law of God, it is againſt the Lawes of this Kingdome; and that no obſcure Lawes, nor concerning any meane or petty matters. It is againſt the Law of the Kings Supremacy, in that it maketh Arch-biſhops, Biſhops, Deanes, Arch-Deacons, &c. to bee* jure Divino, *whereas the Law of this Land hath annexed to the Imperiall Crowne of this Realme, not onely all Eccleſiaſticall Iuriſdiction, but alſo all ſuperioritie over the Eccleſiaſticall State, and*

it is to bee derived from him by Commiſsion under the Great Seale, and conſequently it is Jure humano. *Again, it is againſt the Oath of Supremacy, eſtabliſhed by Law poynt blanke, for therein I am ſworne not onely to conſent unto, but alſo to aſſiſt, and to the uttermoſt of my power, to defend all Iuriſdictions, Preheminences, &c. annexed to the Imperiall Crowne of this Realme, of which this is one,* (and that which immediately precedeth this Oath in the Statute, and whereunto it doth eſpecially relate) *That his Majeſty may exerciſe any Iuriſdictions, or Eccleſiaſticall Government by his Commiſsion under the great Seale directed to ſuch perſons, as he ſhall thinke meet, ſo that if he ſhall thinke other perſons more meet, then Arch-biſhops, Biſhops, &c.* I am ſworne in the Oath of *Supremacy* not onely to aſſent thereunto, but to aſſiſt, and to the uttermoſt of my power to defend ſuch an appoyntment of his Majeſty, and in this new Oath I ſhall ſwear never to conſent unto ſuch an alteration.

In the like manner it is againſt the Law and Light of Nature, that a man ſhould ſweare to anſwer (*&c.*) to he knowes not what. It is againſt the Law and light of Nature, that a man ſhould ſweare never to conſent, to alter a thing that in its owne nature is alterable, and may prove inconvenient, and fit to bee altered. Laſtly, it is againſt the Law of God: for whereas there are three rules preſcribed to him that will ſweare aright, that he *ſweare in Iudgement, in Truth, and righteouſneſſe:* hee that ſhall take this new Oath, muſt needs breake all theſe three Rules. *He cannot ſweare in Iudgement, becauſe this Oath is ſo full of ambiguities, that he cannot tell what he ſweares unto; not to ſpeak of the unextricable ambiguity of the &c.* There is ſcarce one word that is not ambiguous in the principall parts of the Oath, as firſt, *What is meant by the Church of* England, *whether all the Chriſtians in* England, *or*

whether

whether the Clergie onely, or onely the Arch-Biſhops, Biſhops, Deanes, &c. Or whether the Convocation, or what? In like manner it is as doubtfull what is meant by the Diſcipline, and what by the *Doctrine of the Church of England*, for what ſome call *Superſtitious Innovations*, if others affirme to be conſonant to the *Primitive*, and that the pureſt Reformation in the time of *Edward the 6.* and in the beginning of the Reigne of Queene *Elizabeth*: and ſo for the Doctrine of the Church of *England*; if all *the Poſitions* that of later yeares have beene challenged by ſome of Divines to bee *Arminian* and *Popiſh*, *and contrary to the Articles of our Religion*, and which on the other ſide have beene aſſerted and maintained as *conſonant to the Doctrine of our Church*, *and if the Articles of Religion were gathered together, they might make a pretty volume:* Nay, *Sancta Clara* will maintaine it in deſpight of the *Puritanes*, *that the Doctrine of the Church of* Rome, *is the Doctrine of the Church of* England. Truely it were very fit that wee knew, *what were the Doctrine and Diſcipline of the Church of* England *before we ſweare to it*, and then (Sir) give me leave to ſay, *that I ſhould be very loath to ſweare to the Diſcipline, or to the Doctrine and Tenents of the pureſt Church in the World, as they are collected by them, farther than they agree with the Holy Scriptures.*

Laſtly, it is as doubtfull what is meant, by the *Doctrine* and *Diſcipline* eſtabliſhed, and what by altering & conſenting to alter, whether that is accompted, or eſtabliſhed, which is eſtabliſhed by a Act of *Parliamẽt, or wether that alſo that is eſtabliſhed by Canons, Injunctions, &c. and whether it ſhall not extend to that which is publiſhed by our Divines with the allowance of authority* & ſo for conſenting to alter whether it be only meant, that a man ſhall not bee active in altering, or whether it extend to any conſent, and ſo that a man ſhall not

ſubmit to it, nor accept of it, being altered by the State.

More ambiguities might be ſhewne, but theſe are enough to make it cleare, *that hee that ſhall take this Oath cannot ſweare in Iudgement.* Nor can he ſweare in *Truth*, for it is full of *untruths.* It is not true, *that Diſcipline is neceſſary to ſalvation.* It is not true, *that Arch-Biſhops, Biſhops, Deanes, Arch-Deacons, &c. are* jure Divino, *as they muſt needs bee, if the Law-makers ought of right to eſtabliſh them, as they are eſtabliſhed: for the Law-makers are not bound as of right, to frame their Lawes to any other than the Lawes of God alone.* Now whether Biſhops be *jure Divino*, we know it is a diſpute among the Papiſts, and never did any *Proteſtant* hold it till of late yeares, *but that Arch-Biſhops, Deanes, Arch-Deacons, &c. ſhould be* jure Divino, *I doe not know that ever any Chriſtian held it before*, and yet he that taketh this Oath muſt ſweare it. Laſtly, as hee that taketh this Oath cannot ſweare in *Iudgement* nor in *Truth*, ſo neither can hee ſweare in *Righteouſneſſe*, for it is full of *unrighteouſneſſe*, being indeed, as hath beene well opened, a Covenant in effect againſt the King and Kingdome; for if the whole State ſhould finde it neceſſary to alter the Government by Arch-Biſhops, Biſhop, &c, a great part of the Kingdome, eſpecially of the Gentry (for not onely the Clergy, but all that take Degrees in the *Univerſities* are bound to take it) will be preingaged not to conſent to it, or admit of it. Againe it is a great wrong to thoſe that ſhall bee Parliament-men, that their freedome ſhall be taken away being bound up by an Oath, not to conſent to the altering of a thing, which it may be fit and proper for a Parliament to alter. And ſuppoſe that for the preſent it bee no hinderance to the ſervice of God, nor yet burdenſome to the King and Kingdome, yet if it ſhould prove ſo hereafter, for

a man

a man to bee bound by an Oath never to conſent to alter it, may bee a great wrong to God in his ſervice, and to the King and Kingdome in their peace and welfare, and therefore this Oath cannot be taken in *Righteouſneſſe*. For the other Oath *de parendo juri Eccleſiæ, & ſtando mandatis Eccleſiæ*, though it make leſſe noyſe than the other, yet it is not of leſſe dangerous conſequence. *If I remember well the Storie, this was the Oath that the Pope made King* John *to take, and when hee had ſworne* ſtare mandatis Eccleſiæ, *the Pope commanded him to reſigne his Kingdome to him, and truely bee hee Gentleman or Nobleman, or what ever elſe, when hee hath once put his necke into this nouſe, his Ghoſtly Father may drag him whither they will, for they have the quantity and the quality of the penance in their owne breaſt, and if they ſhal enjoyne him to give any ſumme towards the building of a Church, or the adorning of a Chappell, he muſt pay it; or if they ſhould enjoyne him any ſervile or baſe action (as there are not wanting examples of that kinde in the time of Popery) they are ſworne* ſtare mandatis Eccleſiæ, *and ſo cannot recede, but muſt performe it.* Nay, I dare not warrant any man from the rods of *Henry* the ſecond, or of *Raymond* of *Tholouze*; what hath beene done may bee done. I am ſure the power is the ſame. And that other Oath alſo (though more uſuall in practiſe, and more confirmed by theſe new *Canons*) which is adminiſtred to Church-wardens, would bee looked into. For it is hardly poſſible for them that take it not to be forſworne, being they ſweare to ſo many particulars, *that they cannot minde, and to ſome that they cannot underſtand*, as how many Church-wardens are there in *England*, that underſtand what *Socinianiſme* is, in caſe they be ſworne, to preſent the offenders againſt that Canon, which concernes that matter. I ſhall only adde a word or two concerning two Canons more, which ſeeme to be Canons of Reformation.

The first is, concerning *Excommunication*, to bee pronounced onely by a *Divine*, wherein it is alledged for the framers of these Canons, that if they have not more Law on their sides, yet they may seeme to have more reason. *For my part, as in all other things, I thinke they have so mended the matter, that they have made it far worse, for before that which was found fault with was this, that a Lay-man did that which the grave Divine should have done, and now the grave Divine must doe what ever the Lay-man would have done, for the* cognisance *of the cause, and the power of Iudicature is wholly in the Lay-man, onely the grave Divine is to be his servant, to execute his sentences, and hath such a kinde of managing the spiritual sword allowed onely unto him, as the Papists in some cases were wont to afford unto the civill Magistrate, in respect of the Temporall sword, for as if the Civill sword by an implicite Faith had been pinned to the Lawn-sleeves, they condemned men of Heresie, and then delivered them over to the Secular power: but what to doe?* Not to have any *cognisance* of the cause, nor to exercise any power of judicature, but onely to be their executioners, and to burne the Heretick whom they had condemned, and so they judged men excommunicate, and then the Civill power was to send out Writs *de excommunicato capiendo* against them, but one said well, that the sword without *cognisance* of the cause, and judgement, was like *Polyphemus* without his eye, it became violence and fury. But being accompanyed with the eye of judgement, it is equity and justice: and surely where the Spirituall or Civill Governour is called upon to strike, hee must be allowed to see and judge whom and wherefore he strikes, otherwise he will be able to give but an ill accompt to God, of the managing of the sword wherewith he is instructed.

The other Canon is the last Canon against vexatious Citations, wherein they seeme to have some sence of the

the great grievances that poore people ly under; by occaſion of vexatious citations, and moleſtations in *Eccleſiaſticall Courts*, and I verily believe, that there is not a greater oppreſſion in the whole Kingdome upon the poorer ſort of people, then that which proceedeth out of theſe *Courts*. But now (Sir) let us ſee what proviſion they have made againſt it by this Canon. They ſay becauſe great grievances may fall upon people by citations upon pretence onely, of the breach of that Law without any preſentment, or any other juſt ground, that no citations grounded onely as aforeſaid, ſhall iſſue out, except it be under the hand and Seale of the *Chancellour*, *Commiſſarie*, *Arch-Deacon*, or other competent Judge, ſo that (if there be any ſence in theſe words) though there be no preſentment at all, nor any other juſt ground, yet a citation may iſſue out, ſo it be under the hand and Seale of the *Chancellour*, *Commiſſary*, or other competent Judge, and the partie ſhall not be diſcharged without paying his fees, nor have any reliefe by this Canon. But ſuppoſe the *Citation* be not under the hand and Seale of any competent Iudge, and that there was neither preſentment nor any juſt ground for it, ſhall he then bee diſmiſſed without paying any fees? No, unleſſe firſt contrary to the Law of Nature, there being no preſentment, nor juſt ground of accuſation againſt him, he ſhall by his Oath purge himſelfe of pretended breaches of Law, and then too hee ſhall onely have the fees of the Court remitted, but ſhall have no ſatisfaction for his troubleſome and chargeable journey, and for the loſſe of his time, and being drawne away from his affaires. Nay, leſt they ſhould ſeeme to have beene too liberall of their favour, they adde a *proviſo* in the cloſe of the Canon, that this grace of theirs ſhall not extend to any grievous crime, as *Schiſme*, *Incontinency*, misbehaviour in the Church, or obſtinate inconformity. And what do they

they call miſbehaviour in the Church? If a man doe not kneele at the Confeſſion, or have his hat on, when the Leſſons are reading. In like manner what doe they call obſtinate inconformity? If a man will not thinke what they would have him thinke, if a man will not ſay what they would have him ſay, if a man will not ſweare what they would have him ſweare, if a man will not read what they would have him read, if a man wil not preach what they would have him preach, if a man will not pray what they would have him pray; In ſhort, if a man will not doe what ever they would have him doe, then hee is an inconformiſt, and after that they have duely admoniſhed him, *primo, ſecundo, tertio*, all in one breath, then hee is contumacious, then he is an obſtinate Inconformiſt.

Now (Sir) my humble motion is, that in conſideration of all the premiſſes, and what beſides hath beene well laid open by others; wee ſhould proceed to dam theſe Canons, not onely as contrary to the Lawes of the Land, but alſo as containing ſundry matters, deſtructive of the rights of *Parliaments*, and of the fundamentall and other principall Lawes of this Kingdome, and otherwiſe of very dangerous conſequence.

The

The Lord *Digby's* Speech to the Houſe of Commons, concerning Biſhops, and the City petition, the 9. of *February.* 1640.

Mr. Speaker,

I Know it is a tender ſubject I am to ſpeake of, wherein I beleeve ſome within theſe Walls are engaged with earneſtneſſe in contrary opinions to mine; and therefore it will be neceſſary, that in the firſt place I beſeech the patience of this Houſe, that they will bee pleaſed to heare mee without interruption: though ſomewhat I ſay ſhould chance to be diſpleaſing, I hope there will be ſomewhat from mee ere I conclude, that may be of Service to this Houſe.

Sir, if I thought there were no further deſigne in the deſires of ſome, that this *London Petition* ſhould be committed, then meerely to make uſe of it, as an *Index* of grievance: I ſhould winke at the faults of it, and not much oppoſe it.

There is no man within theſe walls, more ſenſible of the heavy grievance of Church government, *then my Selfe; nor whoſe affections are keene to the clipping of thoſe wings of the* Prelates, *whereby they have mounted to ſuch inſolencies, nor whoſe zeale is more ardent to the ſearing them, as that they may never ſpring againe.*

But having reaſon to beleeve that ſome aime at a totall extirpation of Biſhops, *which is againſt my heart, and that the committing of this* Petition, *may give countenance to that Deſigne, I cannot reſtraine my ſelfe from labouring*

to divert it, or at leaſt to ſet ſuch notes upon *it, as may make it ineffectuall to that end.*

Truely, Sir, when this *Petition* was firſt brought into the *Houſe*, I conſidered it in its nature, in the manner of the delivery in the preſent conjuncture of affaires, both *Eccleſiaſticall* and *Civill*, to bee a thing of the higheſt Conſequence that any Age hath preſented to a *Parliament*; and the ſame thoughts I have of it ſtill.

I profeſſe, I looked upon it then with *terrour*, as upon a Comet or blazing ſtarre, rayſed and kindled out of the ſtench, out of the poyſonous exhalation of a corrupted *Hierarchy*: Mee thought the Commet had a terrible Tayle with it, Sir, and poynted to the *North*, the ſame feares dwell with mee ſtill concerning it, (*and I beſeech God they may not proove Propheticall:*) I feare all the *Prudence*, all the *Fore-caſt*, all the *Vertue* of this Houſe, how unitedly ſoever *collected*, how vigorouſly applyed, will have a hard worke of it. Yet to hinder this *Meteor* from cauſing ſuch Diſtempers and Combuſtions by its Influence, as it then portended by its appearance; whatever the Event bee, I ſhall diſcharge my *Conſcience* concerning it, freely and uprightly, as unbyaſt by popularity, as by any Court reſpects.

Sir, I could never flatter the ſenſe of *this Houſe*, which I Reverence ſo much, as to ſuppreſſe a ſingle No, that my heart dictated, though I knew the venting of it might caſt prejudices upon mee: had my Fortune placed mee neere a King, I could not have flattered a King; and I doe not intend now to *flatter a multitude.*

I ſhall deſire thoſe worthy Aldermen, *and the reſt here of the City of* London, *not to take any thing I ſhall ſay, in the leaſt way of diſparagement or reflection on the City; I looke not upon this Petition, as a Petition from the City of* London, *but from I know not what,* 15000. Londoners

Londoners, *all that could be got to ſubſcribe.*

When this Petition was firſt preſented, there might bee more reaſon for the *Commitment* of it, as being then the moſt comprehenſive Catalogue wee had of Church grievance, but now that the Miniſters by their *Remonſtrance*, have given us ſo faire and full an Index of them without thoſe mixtures of things *contemptible*, *irrationall*, and *preſumptuous*, wherewith this *Petition* abounds; I do not know I profeſſe to what good end it can be committed, being full of contemptible things, but firſt let me recall to your minde the manner of its delivery: And I am confident, there is no man of judgement, that will thinke it fit for a Parliament under a Monarchy, to give countenance to irregular and tumultuous aſſemblies of people, be it for never ſo good an end: Beſides, there is no man of the leaſt inſight into Nature, or Hiſtory, but knowes the danger, when eyther true or pretended ſtimulation of conſcience hath once given a multitude agitation.

Contemptible things (Sir) ſwarme in the 8. 13. 14. 15, 16. 17. Articles of this *Petition*. Did ever any body thinke that the gaites of *Ovid*, or *Tom. Carjes* muſe, ſhould by 15000. have beene preſented to a Parliament, as a motive for the extirpation of Biſhops, the ſcandall of the Rochet, the Lawne-ſleeves, the foure corner Cap, the Cope, the Surpleſſe, the Tippet, the Hood, the Canonicall Coat, &c. may paſſe with arguments of the ſame weight; onely thus much let me obſerve upon it (Mr. *Speaker*) that one would ſweare the penners of the *Article* had the pluming of ſome Biſhops already, they are ſo acquainted with every feather of them. In a word, I know not whether be more prepoſterous, to inferre the extirpation of Biſhops from ſuch weake Arguments, or to attribute as they doe to Church government all the civill grievance; not a Patent, not a Monopoly, not the price of a com-

moditie rayſed, but theſe men make Biſhops the cauſe of it.

For the *irrationall* part (Mr. *Speaker*) firſt they *Petition* us in a Method only allowable with thoſe, whoſe Iudgement or Iuſtice is ſuſpected, that is *Iniquum petere, ut æquum feras*: There is no Logick, no reaſoning in their demands: It were want of Logick in mee to expect it from a multitude, but I conſider the multitude in this is led by implicite faith, to that which hath beene digeſted, and contrived but by a few, and in them truely I cannot but wonder at the want of Reconciliation here.

A *Petition*, Mr. *Speaker*, ought in this to bee a kinde of Syllogiſme, that the Concluſion, the Prayer ought to hold proportion with the premiſſes, that is, with the Allegations, and Complaints, and to beeaſonably deduc't from them.

But what have we here? a multitude of Allegations, a multitude of inſtances, of abuſes, and depravations of Church Government: And what inferred from thence? let the uſe be utterly aboliſht for the abuſes ſake: As if they ſhould ſay, that becauſe Drunkenneſſe and Adultery are growne ſo epidemicall, as is alledged in the *Petition*; Let there be no more uſe of Wine nor of Women in the Land.

Chriſts Diſcipline hath beene adulterated, 'tis true, the whole Church inebriated by the Prelates, therefore infer our *Petitioners*, let not ſo much as the chaſte, the ſober uſe of them be ſuffered.

Give me leave to continue one of the Compariſons a little further; ſhould it bee demonſtrated unto us, that Wine could not be made uſe of without Drunkenneſſe, and withall ſome ſuch Liquor preſented, as healthy, and as nouriſhing, from which no diſtemper could ariſe; I ſhould not blame any man for deſiring to pluck up the Vine by the roots. But for the moveable ills-ſake,

to

to take away the ſolid good of a thing, is juſt as reaſonable in this, as to root up a good tree, becauſe there is a Canker in the branches.

For the bold part of this *Petition*, Sir, what can there be of greater preſumption, than for *petitioners*, not onely to preſcribe to a *Parliament*, what, and how it ſhall doe; but for a multitude to teach a Parliament, what, and what *is* not the government according to Gods word.

Beſides, what is the *Petition* againſt? is it not againſt the government of the Church of *England*, eſtabliſhed by Acts of Parliament? Is it not againſt the Liturgy, againſt ſeverall formes of Divine ſervice, ratified by the ſame Authority?

'Tis true, Mr. *Speaker*, the Parliament may mend, may alter, may repeale Lawes, may make new, and I hope, in due ſeaſon wee ſhall doe ſo in poynt of Church-government: but in the meane time let me tell you, Sir, I cannot but eſteeme it an irreverence, an high preſumption in any, to *petition* point blank againſt a Law, or Government in force.

Repreſentment of Inconvenience may bee made, (as the Miniſters have done) ſuch as may endure the wiſedome of a Parliament, to adviſe Lawes, to rectifie, to repeale them; but it imports the very eſſence of Parliaments, to keepe up the honour of its former Acts, and not to ſuffer them to bee further blaſted from abroad.

Beleeve me, Mr. *Speaker*, all the reverence and authority, which we expect from future times to our owne Acts hereafter depends upon our upholding the dignity of what former Parliaments have done, even in thoſe things which in their due time we may deſire, and intend to reverſe.

Mr. *Speaker*, you ſee in what plaine language I have ſet forth unto you the faults of this Petition, notwithſtanding

withſtanding as great as they are, ſo they may not obtaine any ſeeming countenance from us; I find my ſelfe willing to have them paſt by, eſpecially when I conſider how naturally prone all mankinde is, when it findes it ſelfe oppreſt beyond patience, to flye unto extreames for eaſe. And indeed, I doe not think, that any people hath beene evermore provoked, then the generality of *England*, of late yeares, by the inſolencies, and exorbitances of the Prelates.

I proteſt ſincerely, Mr. *Speaker*, I cannot caſt mine eye upon this Petition, nor my thoughts on the practiſes of the Church-men, that have governed it of late; but they appear'd to me as a ſcourge imployed by God upon us for the ſinnes of the Nation; I cannot thinke of that paſſage in the Booke of *Kings*, *He that eſcapes the Sword of* Hazael, *ſhal* Jehu *ſlay*; *and he that eſcapes* Iehu, *ſhall* Eliſha *ſlay*.

Mee thinkes the vengeance of the Prelates hath bin ſo laid, as if 'twere meant, no generation, no degree, no complexion of mankinde ſhould eſcape it.

Was there a man of a nice and tender Conſcience? him have they afflicted with ſcandall in *Adiaphoris*, impoſing on him thoſe things, as neceſſary, which hee thinks unlawfull, and they themſelves knew to bee but indifferent.

Was there a man of a legall conſcience, that made the eſtabliſhments by Law, the meaſure of his religion? him have they netled with *Innovations*, with freſh *Introductions* to Popery.

Was there a man of a meek and humble ſpirit? him have they trampled to dirt in their pride.

Was there a man of a proud and arrogant nature? him have they bereft with indignation at their ſuperlative inſolence about him.

Was there a man peaceably affected, ſtudious of the quiet, and tranquillity of his Countrey? their incendiariſhip hath plagued him.

Was

Was there a man faithfully addicted to the right of the Crowne, loyally affected to the Kings Supremacy? how hath he beene galled by their new Oath? a direct Covenant againſt it.

Was there a man tenacious of the liberty, and propriety of the Subject? have they not ſet forth Books, or Sermons, or Canons deſtructive to them all?

Was there a man of a pretty ſturdy conſcience, that would not blanch for a little? their pernicious Oath hath made him ſenſible, and wounded, or I feare prepared him for the Devill.

Was there a man that durſt mutter againſt their Inſolencies? hee may inquire for his Lugges, they have beene within the Biſhops viſitation; as if they would not onely derive their Brandiſhment of the ſpirituall ſword from St. *Peter*, but of the materiall one too, *and the right to cut off Eares*.

Mr. *Speaker*, as dully, as faintly, as unlively, as in Language, theſe actions of the Prelates have been expreſſed unto you, I am confident, there is no man heares me, but is brim-full of indignation.

For my part, I profeſſe I am ſo enflamed with the ſence of them, that I finde my ſelfe ready to cry out with the loudeſt of the 1500, *downe with them, downe with them, even to the ground.*

But M. *Speaker*, when I caſt mine eye round upon this great and wiſe Aſſembly, and find my ſelfe a part too, (though the moſt unworthy and inconſiderable) of that *Senate*, from whoſe *diſpaſſionate* and equall *Conſtitutions*, preſent and future times muſt expect their happines or infelicity:

It obliges mee to the utmoſt of my power to diveſt my ſelfe and others of all thoſe diſturbances of Judgement which ariſe ever from great Provocations, and to ſettle my thoughts in that temper, which I thinke neceſſary to all thoſe that would

would judge clearely of ſuch things as have incenſt them.

I beſeech you Gentlemen, let us not bee led on by paſſion to popular and vulgar Errors, it is naturall (as I told you before) to the multitude to flie into extreames; that ſeemes ever the beſt to them, that is moſt oppoſite to the preſenteſt object of their hate.

Wiſe Councells (Mr. *Speaker*) muſt ſquare their Reſolutions by another meaſure, by what's moſt juſt, moſt honourable, moſt convenient: Beleeve mee, Sir, *great alterations of Government are rarely accompanyed with any of theſe.*

Mr. *Speaker*, we all agree upon this; that a *Reformation* of Church *Government* is moſt neceſſary, and our happy unity of opinions herein ſhould be one argument unto us to ſtay there; but, Sir, to ſtrike at the Roote, to attempt a totall Alteration, before ever I can give my vote unto that, three things muſt be made manifeſt unto me.

Firſt, that the miſchiefes which we have felt under Epiſcopall Government flow from the nature of the function, not from the abuſes of it onely, that is, that no Rules, no Boundaries can be ſet to Biſhops able to reſtraine them from ſuch Exorbitances.

Secondly, ſuch a frame of Government muſt be laid before us, as no time, no Corruption can make lyable to proportionable inconveniences with that which we aboliſh.

And thirdly, it muſt be made to appeare that this *Vtopia* is practicable.

For the firſt, Sir, that Epiſcopacy a function deduced through all ages of Chriſts Church, from the Apoſtles times, and continued by the moſt venerable and ſacred Order Eccleſiaſticall; a function dignified by the learning and Piety of ſo many Fathers of the Church, glorified by ſo many Martyrdomes in the Primitive times,

and

and ſome ſince our owne bleſſed *Reformation*, a government admired (I ſpeak it knowingly) by the learnedſt of the *Reformed* Churches abroad: and laſtly, a government under which (till theſe late yeares) this Church hath ſo flouriſhed, ſo fructified, that ſuch a government, ſuch a function, ſhould at the fagge end of 1640. yeares bee found to have ſuch a cloſe Devill in it, as no power can Exerciſe, no Law Reſtraine, appeares (*Sir*) to mee a thing very improbable: I profeſſe, I am deceived Sir, if Trienniall Parliaments will not be a Circle able to keep many a worſe Devill in order.

For the ſecond, I know not the ſtrength of other mens fancies, but I will confeſſe unto you ingenuouſly the weakneſſe of my faith in the poynt, that I doe not beleeve there can any other government bee propoſed, but will in time bee ſubject to as great or greater inconveniences than Epiſcopacy, I meane Epiſcopacy ſo ordered, reduced, and limitted, as I ſuppoſe it may bee by firme and ſolid Boundaries.

Tis true Sir, we cannot ſo well judge before-hand of future inconveniences, for the knowledge of the faults and miſchiefes of Epiſcopall government, reſulting from freſh and bleeding experience.

And the inſight into dangers of any new way that ſhall be propoſed being to riſe onely from ſpeculation, the apprehenſion of the one is likely to be much more operative than of the other, though perhaps in juſt reaſon it ought to bee the weaker with us, it is hard in ſuch caſes for us to preſerve an equall and unpropenſe judgement; ſince being in things of this world ſo much too hard for faith and contemplation, yet as Divine as our inſpection is into things not experimented, if wee hearken to thoſe that would quite extirpate Epiſcopacy; I am confident that in ſtead of every

Biſhop wee put downe in a Dioceſſe, wee ſhall ſet up a Pope in every Pariſh.

Laſtly, Mr. *Speaker*, whether the ſubverſion of Epiſcopacy, and the introducing of another kinde of Government be practiceable, I leave it to thoſe to judge who have conſidered the Connexion and Interweaving of the Church Government with the Common Law, to thoſe who heard the Kings Speech to us the other day, or who have looked into reaſon of ſtate.

For my part (though no Stateſ man) I will ſpeake my minde freely in this, I doe not thinke a King can put downe Biſhops totally with ſafety to Monarchy; not that there is any ſuch allyance as men talk of 'twixt the Myter and the Crowne, but from this reaſon; that upon the putting downe of Biſhops, the Government of Aſſemblies is likely to ſucceed it, That (to bee effectuall) muſt draw to it ſelfe the ſupremacy of Eccleſiaſticall juriſdiction that (conſequently) the power of Excommunicating Kings as well as any other brother in Chriſt, and if a King chance to be delivered over to Sathan, judge whether men are likely to care much what becomes of him next.

Theſe things conſidered M. *Speaker*, let us lay aſide all thoughts of ſuch dangerous, ſuch fundamentall, ſuch unaccomplished Alterations: and all thought of countenancing thoſe thoughts in others; let us all reſolve upon that courſe wherein (with union) wee may probably promiſe our ſelves ſucceſſe, happineſſe, and ſecurity, that is in a through Reformation.

To that, no mans vote ſhall be given with more zeale, with more heartineſſe than mine. Let us not deſtroy Biſhops, but make Biſhops ſuch as they were in the Primitive times.

Doe their large Territories, their large Revenues offend? let them be retrencht, the good Biſhop of *Hippo* had but a narrow Dioceſſe.

Doe

Doe their Courts and ſubordinates offend? let them be brought to governe as in the Primitive times, by Aſſemblies of their Clergy.

Doth their intermedling in ſecular affaires offend? exclude them from the capacity, it is no more than what Reaſon, and all Antiquity hath interdicted them.

That all this may bee the better effected, M. *Speaker* my motion is, that; Firſt, we may appoynt a Committee to collect all grievances ſpringing from the miſgovernment of the Church (to which the Miniſters head of Government will bee ſufficient without countenancing this Petition by a Commitment) and to repreſent it to this houſe in a Body.

And in the next place that wee may (if it ſtand with the order of Parliaments) deſire that there may bee a ſtanding Committee of certain members of both Houſes, who (with a number of ſuch learned Miniſters as the Houſes ſhall nominate for Aſſiſtants) may take into conſideration all theſe grievances, and adviſe of the beſt way to ſettle peace and ſatisfaction in the Government of the Church, to the comfort of all good Chriſtians, and all good Common-wealths Men.

The Accuſation and Impeachment of *John* Lord *Finch*, Baron of *Fordwich*, Lord Keeper of the Great Seale of *England*, by the Houſe of *COMMONS*.

IMprimis, That the ſaid *John* Lord *Finch*, Baron of *Fordwich*, Lord Keeper, &c. hath traiterouſly, and wickedly, endeavoured to ſubvert the fundamentall Lawes, and eſtabliſhed Government of the Realme of *England*, and in ſtead thereof to introduce an arbitrary tyrannicall government againſt Law, which hee hath declared by trayterous and wicked words, counſells, opinions, judgements, practices, and actions.

II.

That in purſuance of thoſe his trayterous and wicked purpoſes, hee did in the third and fourth yeare of his Majeſties reigne, or one of them, being then Speaker of the Commons Houſe of Parliament, contrary to the commands of the Houſe then aſſembled, and ſitting, denyed

denyed and hindred the reading of ſome things which the ſaid Houſe of Commons required to bee read for the ſafety of the King and Kingdome, & preſervation of the Religion of this Realme; and did forbid all the members of the houſe to ſpeake, and ſaid, that if any did offer to ſpeake, he would riſe and goe away, and ſaid nothing ſhould bee then done in the houſe, and did offer to riſe and goe away, and did thereby and otherwiſe, *in as much as in him lay*, endeavour to ſubvert the ancient and undoubted rights and courſe of Parliaments.

III.

That he being of his Majeſties Councell at the Iuſtice ſeate held for the County of *Eſſex*, in the moneth of *October*, in the tenth yeare of his now Majeſties reigne, at *Strafford Langton* in the ſame County being then of his Majeſties Councell, in that Service did practiſe by unlawfull meanes, to enlarge the Forreſt of that County, many Miles beyond the knowne bounds thereof, as they had beene enjoyed neere 300 yeares, contrary to the Law. and to the Charter of the liberties of the Foreſt; and other Charters, and divers Acts of Parliament: and for effecting the ſame, did unlawfully cauſe and procure undue returnes to be made of Iurors, and great numbers of other perſons who were unſworne, to be joyned to them of the Iury, and threatned and awed the ſayd Iurors to give a Verdict for the King, and by unlawfull means did ſurpriſe the County, that they might not make Defence, and did uſe ſeverall menacing wicked Speeches and Actions, to the Iury and others, for obtayning his unjuſt purpoſe aforeſaid, and after a Verdict obtained for the King in the Moneth of *April* following (at which time the ſayd Iuſtice Seate was called by adjornment)

journment) the ſayd *John* Lord *Finch* then Lord Chiefe Iuſtice of his Majeſties Court of Common Pleas, and was one of the Iudges aſſiſtants for them; he continued by further unlawfull and unjuſt practices, to maintaine and confirme the ſaid verdict, and did then and there being aſſiſtant to the Iuſtice in Eyre, adviſe the refuſal of the traverſe offered by the County, and all their evidences, but onely what they ſhould verbally deliver, which was refuſed accordingly.

IV.

That hee, about the Moreth of November, 1635. hee being then Lord Chiefe Iuſtice of the Common Pleas, and having taken an oath for the due adminiſtration of Iuſtice to his Majeſties Liege people, according to the Lawes and ſtatutes of the Realme, contrived in opinion in *hæc verba*, (when the good and ſafety, &c.) and did ſubſcribe his name to that opinion, and by perſwaſions, threats, and falſe ſuggeſtions, did ſolicite, and procure Sir *John Bramſtone* Knight, then and now Lord Chiefe Iuſtice of England, Sir *Humfrey Davenport* Knight, Lord chiefe Baron of his Majeſties Court of Exchequer, Sir *Richard Hutton* Knight, late one of the Iuſtices of his Majeſties Court of Common Pleas, Sir *John Denham* Knight, late one of the Barons of his Majeſties Court of Exchequer, Sir *William Iones* Knight, late one of the Iuſtices of the ſaid Court of Kings Bench, Sir *George Crook*, then and now one of the Iudges of the ſaid Court of Kings Bench, Sir *Thomas Trevor* Knight, then and now one of the Barons of the Exchequer, Sir *George Vernon* Knight, late one of the Iuſtices of the ſaid Court of Common Pleas: Sir *Robert Barkley* Knight, then and now one of the Iuſtices of the ſaid Court of Kings Bench, Sir *Francis Crawly* Knight, then and now one of the Iuſtices

ces of the ſaid Court of Common Pleas, Sir *Richard Weſton* Knight, then and now one of the Barons of the ſaid Court of Exchequer, ſome or one of them to ſubſcribe, with their names the ſaid opinion preſently, and enjoyned them ſeverally ſome or one of them ſecreſie upon their allegeance.

V.

That he the fifth day of *Iune*, then being Lord Chiefe Iuſtice of the ſaid Court of Common Pleas, ſubſcribed an extrajudiciall opinion in anſwer to queſtions in a letter from his Majeſty, *in hæc verba*, *&c.*

And that he contrived the ſaid queſtions and procured the ſaid Letter from his Majeſty; and whereas the ſaid Iuſtice *Hutton* and Iuſtice *Crook* declared to him their opinions to the contrary; yet hee required and preſſed them to ſubſcribe, upon his promiſe that hee would let his Majeſty know the truth of their opinions; notwithſtanding ſuch ſubſcriptions, which neverthleſſe he did not make knowne to his Majeſtie, but delivered the ſame to his Majeſty, as the opinion of all the Iudges.

VI.

That hee being Lord Chiefe Iuſtice of the ſaid Court of Common Pleas, delivered his opinion in the Chequer Chamber againſt Maſter *Hampden* in the caſe of Ship-money; that hee the ſaid Maſter *Hampden* upon the matter and ſubſtance of the caſe was chargeable with the money then in queſtion: a Coppy of which proceedings the Commons will deliver to your Lordſhips, and did ſolicite and threaten the ſaid Iudges ſome or one of them to deliver their opinions in like manner againſt Maſter *Hampden*: and after the ſaid Baron *Denham* had delivered his opinion

for

for Maſter *Hampden*, the ſaid Lord *Finch* repaired purpoſely to the ſaid Baron *Denhams* Chamber in Serjeants Inne in Fleetſtreet, and after the ſaid Maſter Baron *Denham* had declared and expreſſed his opinion, urged him to retract the ſaid opinion, which hee refuſing, was threatned by the ſaid Lord *Finch*, becauſe hee refuſed.

VII.

That hee then being Lord chiefe Juſtice of the Court of Common Pleas, declared and publiſhed in the Exchequer Chamber, and weſterne circuit where he went Judge, that the Kings right to Ship-money, as aforeſaid, was ſo inherent a right to the Crowne, as an Act of Parliament could not take it away; and with divers malicious ſpeeches inveighed againſt, and threatned all ſuch as refuſed to pay Ship-money; all which opinions contained in the foure, five, & ſixth Articles, are againſt the Law of the Realme, the Subjects right of property, and contrary to former reſolutions in Parliament, and to the petition of right: which ſaid reſolutions and petition of right, were well knowne to him, and reſolved and enacted in Parliament, when he was Speaker of the Commons houſe of Parliament.

VIII.

That hee being Lord chiefe Juſtice of the Court of Common Pleas, did take the generall practice of that Court to his private Chamber; and that hee ſent warrants into all or many ſhires of England to ſeverall men, as to *Francis Giles* of the County of Devon, *Robert Benſon* of the County of Yorke, Attorneys of that Court, and to divers others, to releaſe all perſons arreſted on any utlawry about 40. ſhillings fees, whereas none by Law ſo arreſted, can be bailed or releaſed without Superſedeas under ſeale or reverſall.

IX.

IX.

That hee being Lord Chiefe Iuſtice of the Court of Common pleas, upon a pretended ſuit begun in *Michaelmas* Terme, in the 11. yeare of his Majeſties Reigne, although there was no plaint or Declaration againſt him, did notoriouſly and contrary to all Law and Iuſtice, by threats, menaces, and impriſonment, compell *Thomas Laurence*, an Executor, to pay 19 pound 12 ſhillings, and likewiſe cauſed *Richard Bernard*, being onely over-ſeer of the laſt Will of that Teſtator, to bee arreſted for the payment of the ſaid Money, contrary to the advice of the reſt of the Iudges of that Court, and againſt the known and ordinary courſe of Iuſtice, and his ſaid Oath and knowledge, and denyed his Majeſties Subjects the common and ordinary Iuſtice of this Realme, as to Mr. *Limerick*, and others, and for his priuate benefit endammaged and ruined the eſtates of very many of his Majeſties Subjects, contrary to his oath and knowledge.

X.

That hee being Lord Keeper of the great Seale of England, and ſworne one of his Majeſties Privie Counſell, did by falſe and malicious ſlanders labour to incenſe his Majeſtie againſt Parliaments, and did frame and adviſe the publiſhing the Declaration after the diſſolution of the laſt Parliament.

All which Treaſons and miſdemeanors above mentioned, were done and committed by the ſaid *John* Lord *Finch* Baron of *Fordwich*, Lord Keeper of the great Seale of *England*, and thereby he the aforeſaid *Finch* hath trayterouſly, and contrary to his allegiance laboured to lay Imputations and Scandalls upon

his Majeſties government, and to alienate the hearts of his Majeſties liege people from his Majeſtie, and to ſet a diviſion betweene them, and to ruine and deſtroy his Majeſties Realme of England, for which they doe impeach him the ſaid Lord *Finch*, Baron of *Fordwich*, Lord Keeper of the Great Seale of England, of high Treaſon againſt our Soveraigne Lord the King, his Crowne and Dignity, of the miſdemeanours above mentioned. *And the ſaid Commons by Proteſtation, ſaving to themſelves the libertie of exhibiting at any time hereafter, any other accuſation or impeachment againſt the ſaid Lord* Finch, *and alſo of replying to the anſwer, that the ſaid* Iohn Lord Finch *ſhall make unto the ſaid Articles or to any of them, and of offering proofe of the premiſſes, or any of their impeachments or accuſations that ſhall be exhibited by them, as the caſe ſhall according to the courſe of Parliaments require, doe pray, that the ſaid* Iohn *Lord* Finch, *Baron of* Fordwich, *Lord Keeper of the Great Seale of England, may be put to anſwer to all and every of the premiſſes, and ſuch proceedings, examinations, tryalls, and judgements, as may be upon every of them, had and uſed, as is agreeable to Law and Iuſtice.*

The

The Lord FAULKLANDS ſecond Speech: Made the 14. of *January*, after the reading of the Articles againſt the Lord FINCH.

THeſe Articles againſt my Lord *Finch* being read, I may bee bold to apply that of the Poet, *Nil refert tales verſus qua voce legantur*; and I doubt not but your Lordſhips muſt be of the ſame opinion, of which the Houſe of Commons appeares to have beene, by the choyce they have made of me, that the charge I have brought is ſuch, as needs no aſſiſtance from the bringer, leaving not ſo much as the colour of a colour for any defence, including all poſſible evidence, and all poſſible aggravation (that addition alone excepted) which he alone could make, and hath made; I meane his Confeſſion, Included in his flight.

Here are many and mighty Crimes, *Crimes of Supererogation*, (So that high Treaſon is but a part of his Charge) purſuing him fervently in every ſeverall condition, (*being a ſilent Speaker, an unjuſt Iudge, and an unconſcionable Keeper.*) *That his life appeares a perpetuall Warfare*, (*by Mines, and by Battery, by Battell, and*

by Stratagem) againſt our fundamentall Lawes (which by his own confeſſion) ſeverall Conqueſts had left untoucht, againſt the excellent conſtitution of this Kingdome, which hath made it appeare unto ſtrangers rather an Idea, *than a reall Common-wealth, and produced the honour and happineſſe of this to be a wonder of every other Nation, and this with unfortunate ſucceſſe, that as he alwayes intended to make our Ruines a ground of his advancement; ſo his advancement the meanes of our further ruine.*

After that, contrary to the further end of his place, and the end of that meeting in which he held his place, hee had as it were gagg'd the Common-Wealth, taking away, (to his power) all power of Speech from that body, of which he ought to have beene the Mouth, and which alone can perfectly repreſent the *condition* of the people, whom that onely repreſent, which if he had not done, in all probability, what ſo grave and judicious an Aſſembly might have offered to the conſideration of ſo gracious and juſt a Prince, had occaſioned the redreſſe of the grievances they then ſuffered, and prevented thoſe which we have ſince endured, according to the ancient Maxime of *Odiſſe quos læſeris:* he purſued this offence towards the Parliament, by inveighing againſt the Members by ſcandalizing their proceedings, by *trampling* upon their *Acts* and *Declarations*, by uſurping and devolving the right by diminiſhing & abrogating the power, both of that & other *Parliaments* & making them (as much as in him lay) both uſeleſſe and odious to his Majeſty, and purſued his hatred to this fountain of Iuſtice by corrupting the ſtreames of it, the Lawes; and perverting the Conduit Pipes, the Iudges.

He practiced the annihilating of Ancient, and Notorious perambulations of particular Forreſts, the better to prepare himſelfe to annihilate the Ancient, and Notorious perambulation of the whole Kingdome, the meeres and

and bounders betweene the liberties of the Subject and Soveraigne power; he endeauoured to have all tenures *in durante bene placito*, to bring all Law from his Majeſties Courts, into his Majeſties breſt he gaue our goods to the King, our lands to the Deere, our liberties to his Sheriffes; ſo that there was no way by which wee had not beene oppreſt, and deſtroyed, if the power of this perſon had beene equall with his will: Or that the will of his Majeſtie had beene equall to his power.

He not onely by this meanes made us lyable to all the effect of an Invaſion from within, (and by deſtruction of our Liberties, which included the deſtruction of our propriety, which included the deſtruction of our Induſtry) made us lyable to the terribleſt of all Invaſions, that of want and poverty. So that if what hee plotted had taken Root (and he made it, as ſure as his Declaration could make it (what himſelfe was not) *Parliament proofe*) in this wealthy and happy Kingdome, there could have beene left, no aboundance but of grievances, and diſcontentment, no ſatisfaction but amongſt the guilty. It is generally obſerved of the plague, that the infection of others, is an earneſt, and conſtant deſire of all that are ſeized by it: and as this deſigne reſembles that diſeaſe, in the ruine, deſtruction, and deſolation, it would have wrought ſo it ſeemes no leſſe like it in this effect; he having ſo laboured to make others ſhare in that guilt, that his ſolicitation, was not onely his action, but his workes, making uſe both of his Authority, his Intereſt, and Importunity, to perſwade; and in his Majeſties Name (whoſe Piety is knowne to give that Excellent prerogative to his perſon, that the Law gives to his place, not to be able to doe wrong) to threaten the reſt of the Iudges, to ſigne opinions contrary to Law, to aſſigne anſwers contrary to their opinions, to give Iudgement which they ought not to have given, and to recant Iudgement, when they had given as they ought, ſo that

whoſoever

whoſoever conſiders his care of, and concernment, both in the growth and the immortality of this project, cannot but by the ſame way by which the wiſeſt judgment found the true mother of the Child, diſcover him not onely to have beene the Fosterer, but the Father of this moſt pernicious and envious deſigne.

I ſhall not need to obſerve, that this was plotted and purſued by an Engliſh man againſt England, (which encreaſeth the Crime in no leſſe degree than parricide is beyond Murther) that this was done in the greateſt matter joyned to the greateſt Bond, being againſt the generall liberty, and publike propriety, by a ſworne Iudge (and if that ſalt it ſelfe, becauſe unſavory, the Goſpell it ſelfe hath deſign'd whither it muſt be caſt) that he poyſoned our very Antidotes, and turned our Guard into a deſtruction, making Law the ground of illegalitie: that he uſed this Law not onely againſt us, but againſt it ſelfe, making it as I may ſay, Felo de ſe, *making the pretence, (for I can ſcarce ſay, the appearance of it) ſo to contribute the utter ruine of it ſelfe.*

I ſhall not need to ſay, that either this (or more can be) of the higheſt kinde, and in the higheſt degree of Parliamentary Treaſon, a Treaſon which need not a computation of many ſeverall actions, which alone were not Treaſon, to prove a Treaſon altogether, and by that demonſtration of the intention, to make that formality Treaſon which were materially but a miſdemeanor, a Treaſon as well againſt the King, as againſt the Kingdome, for whatſoever is againſt the whole, is undoubtedly againſt the head, which takes from his Majeſty the ground of his Rule, the Lawes, (for if foundations bee deſtroyed, the Pinnacles are moſt endangered) which takes from his Majeſty the principal honour of his Rule, the Ruling over Free-men, a power as much Nobler then over villaines, as that is that's over beaſts) which endevoured to take from his Majeſty the principall

ſupport

ſupport of his Rule, their hearts and affections over whom he rules (a better and ſurer ſtrength and wall to the King, than the Sea is to the Kingdome) and by begetting a mutuall diſtruſt, and by that a mutuall diſaffection between them, to hazard the danger even of the deſtruction of both.

My Lords,

I ſhall the leſſe need to preſſe this, becauſe as it were unreaſonable in any caſe to ſuſpect your Iuſtice, ſo here eſpecially, where your intereſt ſo nearly unites you, your great ſhare in poſſeſſions, giving you an equall concernment in propriety, the care and paines uſed by your Noble Anceſtors in the founding and aſſerting of our common Liberties, rendring the juſt defence of them, your moſt proper and peculiar inheritance, and both exciting to oppoſe and extirpate all ſuch deſignes as did introduce, and would have ſetled an Arbitrary, that is, an intollerable forme of Government, and have made even your Lordſhips and your poſterity but Right Honourable ſlaves.

My Lords,

I will ſpend no more words, Luctando cum larva *in accuſing the Ghoſt of a departed perſon, whom his Crimes accuſe more than I can doe; and his abſence accuſeth no leſſe than his Crime. Neither will I excuſe the length of what I have ſaid, becauſe I cannot adde to an Excuſe, without adding to the Fault, or my owne imperfections, either in the matter or manner of it, which I know muſt appeare the greater, by being compared with that learned Gentlemans great abilitie, who hath preceded me at this time: I will onely deſire by the Command, and in the behalfe of the Houſe of Commons, that theſe proceedings againſt the Lord* Finch, *may be put in ſo ſpeedy a way of diſpatch, as in ſuch caſes the courſe of Parliament will allow.*

The

The first Speech made by *Sir Edward Deering*, in the house of Commons.

Mr. *Speaker*.

YEsterday, the affaires of this House did borrow all the time allotted to the great *Committee of Religion*; I am sorry that (having but halfe a day in a whole weeke) we have lost that.

Mr. *Speaker*, The sufferings that wee have undergone, are reduceable to two heads: *The first concerning the Church*: *The second belonging to the Common-wealth*. The first of these must have the first fruites of the *Parliament*, as being the first in weight and worth, and more immediately to the honour of *God, and his Glory*, every dramme whereof, is worth the whole *weight of a Kingdome*. The *Common-wealth* (it is true) is ful of apparent dangers, the Sword is come home unto us, and two Twinned Nations, united together under one regall Head, *Brethren together in the Bowels and Bosome of the same Island*, and which is above all, *vs imbanded together in the same Religion* (I say in the same Religion) *by a divellish Machination like to be fatally imbrewed in each others blood, ready to digge each others Graves*. Quantillum abfuit.

For other grievances *also*, *the poore dis-hearted* Subject *sadly grieves*, *not able to distinguish betweene* Power *and* Law, *and with a weeping heart* (no question)

hath long prayed for this houre in hope to be relieved; and to know hereafter whether any thing bee hath (beſid's his poore part and portion of the common Aire hee breatheth) may be truly called his owne.

Theſe Mr. *Speaker*, and many other, doe deſerve, and muſt ſhortly have our deepe regards, but *ſuo gradu*. Now in the firſt place there is a *unum neceſſarium*, above all our worldly ſufferings and dangers; *Religion*, the immediate Service due unto *Almighty God*; and herein let us all be confident, that all our conſultations wil be *unproſperous*, if wee put any determination before that of *Religion*. For my part, let the Sword reach from the *North* to the *South*, and a gener all perdition of all our remaining rights threaten us in an open view, it ſhall bee ſo farre from making mee to decline the firſt ſetling of Religion, that I ſhall ever argue, and rather conclude it thus: *That the more great and eminent our perils of this World are, the ſtronger and quicker ought our care to be for the glory of God, and the pure Law of our Soules.*

If then, Mr. *Speaker*, it may paſſe with full allowance, that all our cares may give way unto the *Treaty of Religion*, I will reduce that alſo unto two heads: *Firſt of Eccleſiaſticall perſons*; *Then of Eccleſiaſticall Cauſes*: Let no man ſtart or be affrighted at the imagined length of this Conſultation; it will not, it cannot take up ſo much Time as it is worth, *This is God and the Kings, God and the Kingdomes, nay this is God and the two Kingdomes cauſe.*

And therefore, Mr. *Speaker*, my humble motion is, that wee may all of us, *ſeriouſly*, *ſpeedily*, and *heartily* enter upon this, the *beſt* and the *greateſt*, and the moſt *important cauſe* wee can treate on.

Now, Mr. *Speaker*, in purſuite of mine owne motion, and to make a little entrance into theſe great

Affaires, I will preſent unto you the *Petition* of a poore diſtreſſed *Miniſter* in the County of *Kent*, a man conformable in *his practice, Orthodoxe in his Doctrine, laborious in his Miniſtery, as any wee have or I doe know, He is now a ſufferer* (as all good men are) *under the generall obloquy of a* Puritan, *as with other things was admirably delivered by that ſilver Trumpet at the Bar, the* Purſevant *watched his doore, and divides him and his* Cure *aſunder to both their griefes; for it is not with him as perhaps with ſome, that ſet the* Purſevant *at worke, glad of an excuſe to be out of the* Pulpit, *it is his delight to Preach.* About a week ſince I went over to *Lambeth* to moove that great Biſhop (too great indeede) to take this danger from off this *Miniſter* and recall the *Purſevant:* And withall did undertake for Mr. *Wilſon* (for ſo is your *Petitioner* called) that hee ſhould anſwere his Accuſers in any of the Kings Courts at *Weſtminſter:* The Biſhop made me this anſwere in *His verbis*, I am ſure that hee will not abſent from his *Cure* a Twelvemoneth together, and then I doubt not but once in a yeare wee ſhall have him. *This was all that I could obtaine, but I hope* (by the helpe of this Houſe) *before this yeare of threats be runne out, his Grace will either have more Grace, or no Grace at all. For our griefes are manifold, and doe fill a mighty and vaſt Circumference, yet ſo that from every part, our lines of ſorrow doe lead unto him, and point at him, as the* Center *from whence our miſeries doe grow.*

Let the Petition *be read, and let us enter upon the worke.*

THE

The ſecond Speech of Sir *Edward Deering*.

Mr. *Speaker*,

YOu have many private particular Petitions, give me leave by word of mouth to interpoſe one more generall, which thus you may receive: Gods true Religion is violently invaded by two ſeeming enemies, but indeed they are like *Herod* and *Pilate*, faſt friends for the deſtruction of truth: I meane the *Papiſts* for the one part, and our *Prelating* Faction for the other; between theſe two in their ſeverall progreſſe, I obſerve the concurrence of ſome few parallells, fit as I conceive to bee repreſented to this Honourable Houſe.

Firſt, with the *Papiſts* there is a ſevere *Inquiſition*, and with us (as it is uſed) there is a bitter *High Commiſſion*, both theſe *Contra fas & ins* are Iudges in their owne caſe: yet herein their *Inquiſitors* are better than our *High Commiſſioners*, they (for ought I ever heard) doe not (*Sævire in ſuos*) puniſh for delinquents and offenders, ſuch as profeſſe and practice Religion, according as it is eſtabliſhed by the Lawes of the Land where they live.

But with us, how many poore diſtreſſed Mini-

ſters? nay how many ſcores of them in a few yeares paſt, have beene ſuſpended, degraded, and excommunicated? not guilty of the breach of any eſtabliſhed Lawes: The Petitions of many are here with us, more are comming, all their prayers are in Heaven for redreſſe: Downe therefore with theſe Money-changers; They doe confeſſe Commutation of Penance, and I may therefore moſt juſtly call them ſo.

Secondly, with the *Papiſts* there is a *Myſterious Artifice*, I meane their *Index Expurgatorius*, whereby they clip the tongues of ſuch witneſſes whoſe evidence they doe not like: To theſe I parallell our late *Imprimators*, Licenſers for the Preſſe, ſo handled, that truth is ſuppreſt and popiſh Pamphlets flie abroad *Cum privilegio*, witneſſe the audacious Libells againſt true Religion, written by *Coſſens*, *Dowe*, *Heylin*, *Pocklington*, *Mead*, *Shelford*, *Swan*, *Roberts*, and many more, I name no Biſhops, but I adde, &c.

Nay, they are already growne ſo bold in this new trade, that the moſt learned Labourers of our ancient and beſt divines, muſt bee new corrected, and defaced with a Delineatur, by the ſupercilious penne of my Lords young Chaplaine, fit perhaps for the Technicall Arts, but unfit to hold the Chaire for Divinity.

But herein the Roman *Index* is better than our Engliſh *Licences*, they thereby doe prove the current of their owne eſtabliſhed Doctrines, a point of wiſedome; but with us our Innovators by this *Artifice* do alter our ſetled Doctrines, nay they doe ſubinduce poynts repugnant and contrary: and this I doe affirme upon my ſelfe to prove.

One parallell I have more, and that is this: Amongſt the *Papiſts* there is one acknowledged Pope, ſupreme in honour over all, and in power, from whoſe judgement there is no appeale: I confeſſe Mr. *Speaker*, I cannot

not altogether match a *Pope* with a *Pope*, yet one of the ancient Titles of our Engliſh *Primate*, was *Alterius orbis Papa*, but thus farre I can goe (*ex ore ſuo*) it is in Print, hee pleads faire for a *Patriarchall*, and for ſuch a one whoſe Iudgement (he before hand profeſſeth) ought to be finall, and then I am ſure it ought to bee unerring; put theſe two together, and you ſhall finde that the finall determination of a *Patriarch*, will want very little of a Pope, and then we may ſay, *Mutato nomine de te fabula narratur*: he pleadeth *Popeſhip*, under the name of a *Patriarch*, and I much feare the end and top of his *Patriarchall* plea, may be as that of Cardinall *Poole*, his Predeceſſour, who would have two heads, one *Caput Regale*, the other *Caput Sacerdotale*, a proud parallell to ſet up the Myter above the Crowne.

But herein I ſhall bee free and cleare, if one there muſt be, be it a *Pope*, be it a *Patriarch*, this I reſolve upon for mine own choyce, *Procul a love, procul a fulmine*, I had rather ſerve one as far as *Tyber*, then to have him come to mee ſo neare as the *Thames*, a Pope at *Rome* will doe mee leſſe hurt, than a Patriarch may doe at *Lambeth*.

I have done, and for this third parallell, I ſubmit it to the wiſedome and conſideration of this grave *Committee* for *Religion*: In the meane time I doe ground my Motion upon the former two, and it is this in briefe.

That you would be pleaſed to ſelect a ſub-Committee of 4. 6. 8. 9. or 10. at the moſt, and to impower them for the diſcovery of the great numbers of oppreſſed Miniſters, under the Biſhops tyranny for theſe ten yeares laſt paſt, we have the compl ints of ſome, but more are ſilent, ſome are patient and will not complaine, others are fearefull and dare not, many dead, and many beyond the Seas, and cannot complaine.

And in the ſecond place, that the ſub-Committee may examine the Printers, what Bookes by bad licence have beene corruptly iſſued forth. And what good Bookes have beene (like good Miniſters) ſilenced, clipped, or cropped.

The worke I conceive, will not be difficult, but will quickly returne into your hands full of weight.

And this is my Motion.

The third Speech of Sir *Edward Deering.*

Mr. *Speaker*,

THis Morning is deſigned for the conſideration of the late Canons, and the former; and of that which the Clergy have miſ-called a benevolence; I ſhall for the preſent, onely touch the firſt of them, and that is the Roman *Velites*, whr did uſe to beginne the Battaile: ſo ſhall I but *valitande*, and skirmiſh, whilſt the maine Battaile is ſetting forwards.

The *Pope* as they ſay, hath a triple Crown, anſwerable thereunto, and to ſupport it, hee pretendeth to have a threefold Law.

1. The firſt that is *Ius divinum*, Epiſcopacy by Divine Right: and this he would have you thinke to bee the Crowne next his head, which doth circle and ſecure his power, our Biſhops have in an unlucky time entred their Plea, and preſented their title to this Crowne, Epiſcopacy *by Divine Right.* 2. The

2 The ſecond is *Ius humanum Conſtantinianum* the gift of Indulgent Princes temporall power; this Law belongs to his ſecond or middle Crowne, this is already pleaded for by our Prelates in print.

3. Theſe two Crowne being already obtained, The Pope claimes, and makes the third himſelfe, and ſets it higheſt upon the top: This Crowne alſo hath its Law, and that is *Ius Canonicum*: This Canon Law is of more uſe unto his Popeſhip (if once admitted) than both the other.

Iuſt ſo our Prelates from the pretended Divinity of their Epiſcopacy, and from the temporall power granted them by our Princes, would now obtrude a new Canon Law upon us: They have charged the Canons to the full, and never fearing they would requoyle into a Parliament, they have rammed a prodigious and ungodly Oath into them: the illegality and invalidity of theſe Canons, is manifeſted by one ſhort queſtion, (*viz.*) what doe you call the meeting wherein they were made?

Mr. *Speaker*, who can frame an argument aright, unleſſe he can tell againſt what he is to argue?

Would you confute the Convocation-houſe? they were a holy Synod they were Commiſſioners? will you diſpute their Commiſſion? they will mingle all power together, and perhaps anſwer, they were ſomething elſe, that we neither knew nor imagined; unleſſe they would unriddle themſelves, and owne what they were, wee may proſecute non-concludent Arguments.

Mr. *Speaker*, I have conferred with ſome of the Founders of thoſe *Canons*, but I profeſſe here, that I could never meet with any one of that aſſembly, who could well anſwer to that firſt queſtion of the Catechiſme, *What is your name?* Alas, they were parted before they knew what they were, when they were together.

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The ſumme of all the ſeverall anſwers that I have received, do all together amount unto this: They were a Convocationall, Synodicall Aſſembly of Commiſſioners; Indeed a threefold *Chamera*, a Monſter to our Lawes, a *Cerberus* to our Religion. A ſtrange Commiſſion, where no Commiſſioners name is to be found! A ſtrange Convocation that lived when the Parliament was dead. A ſtrange holy Synod, when the one part never ſaw nor conferred with the other.

But indeed, there needed no conference, if it be true of theſe Cannons which I read of the former, *Quis neſcit, Canones Lambethæ formari priuſquam in Synodo ventilentur?*

Well Mr. *Speaker*, they have Innovated upon us; we may ſay, it is *Lex talionis* to Innovate upon them, and ſo I hope we ſhortly ſhall doe.

In the meane time, my humble motion is, that every member of that aſſembly, who voted their Cannons, may come ſeverally to the Barre of this Houſe, with a Book of Cannons in his hand, and there unleſſe he can anſwer that Catechiſme queſtion, as I called it, better then I expect he can, *conceptis verbis*, in ſuch expreſſe termes as this honourable houſe ſhall then think fit, he ſhall abjure his owne Iſſue, and be commanded to give fire to his owne Canons.

And this motion I take to be juſt.

The

The fourth Speech of Sir *Edward Deering*. Concerning the Arch-Biſhop, and divers other Grievancer.

Mr. *Speaker*,

YEſterday we did regulate the moſt important buſineſſe before us: and gave them motion, ſo that our great and weighty affaires, are now on their feet in their progreſſe, journying on towards their ſeveral periods, where ſome I hope will finde their lateſt home.

Yet among all theſe I obſerve one, a very maine one, to ſleepe *ſine die*: give me leave to awaken it; it is a buſineſſe of an immenſe weight, and worth; ſuch as deſerves our beſt care, and *moſt* ſevere circumſpection. I meane the Grand Petition long ſince given in by many thouſand Citizens againſt the domineering Clergy.

Wherein (for my part) although I cannot approve of all that is preſented unto you, yet I do clearely profeſſe, that a great part of it, nay the greateſt part thereof, is ſo well grounded, that my heart goes cheerefully along therewith.

It ſeemes that my Countrey (for which I have the honour to ſerve) is of the ſame minde, and leaſt you ſhould thinke that all faults are included within the walls of *Troy*, they will ſhew you,

Iliacos intra muros peccatur, & extra.

The ſame grievances which the City groanes under, are provinciall unto us, and I much feare they are nationall among us all.

The pride, the avarice, the ambition, and oppreſſion, by our ruling Clergie is *Epidemicall*, it hath infected them all. There is not any, or ſcarce any of them, who is not practicall in their own *great cauſe in hand*, which they impiouſly doe miſ-call, *the Piety of the times*, but in truth ſo wrong a Piety, that I am bold to ſay,

In facinus juraſſe putes.——

Here in this Petition is the diſeaſe repreſented, here is the cure intreated.

The number of your Petitioners is conſiderable, being above five and twenty hundred names, and would have been foure times as many, if that were thought materiall.

The matter in the Petition is of high import: but your Petitioners themſelves are all of them quiet and ſilent at their owne houſes, humbly expecting and praying the reſolution of this great Senate, *upon theſe their earneſt and thrice hearty deſires.*

Here is no noyſe, no numbers at your doore: they will be neither your trouble nor your jealouſie; for I doe not know of any one of them this day in the towne: ſo much they doe affie in the juſtice of their Petition, and in the goodneſſe of this houſe.

If now you want any of them here to make avowance of their Petition, I am their ſervant. I doe appeare for them, and for my ſelfe, and am ready to avow this Petition in their names, and in my owne.

Nothing doubting, but fully confident that I may juſtly ſay of the preſent uſage of the Hierarchy in the Church

Church of *England*, as once the Pope (Pope *Adrian* as I remember) ſaid of the Clergy in his time: *A vertice capitis ad plantam pedis, nihil eſt ſanum in toto ordine Eccleſiaſtico.*

I beſeech you read the Petition, regard us, and relieve us.

Maſter BAGSHAWES Speech in Parliament Febr. 9th. 1640. Concerning *Epiſcopacy*, and the *London* Petition.

Mr. Speaker,

I Was yeſterday and the time before, for the retaining of the *London* Petition, and am in the ſame minde ſtill; and therefore doe now riſe up againſt the propoſall of that queſtion which is now called for; *Whether Epiſcopacy it ſelfe be to be taken into conſideration by the Committee*: wherein I doe diſtinguiſh of a twofold Epiſcopacy, the firſt, *in Statu puro*, as it was in the Primitive times: the ſecond, *in Statu corrupto*, as it is at this day, and is ſo intended and meant in the *London* Petition. Now I hold that Epiſcopacy in this latter ſence is to be taken into conſideration as a thing that trencheth not onely upon the right and liberties of the Subject; of which I ſhall have occaſion to ſpeake hereafter. But as it is now, it trencheth upon the Crowne of *England* in theſe foure particulars, where-

in I know, this Houſe will willingly heare me.

Firſt, it is maintained by the Biſhop of *Exeter* in a Booke which he hath writ to this purpoſe, that Epiſcopacy it ſelfe both in the office and in the juriſdiction is *de Iure Divino*, of Divine right; which poſition is directly contrary to the Lawes of *England*, of which I will cite but two or three in ſtead of many more. The Statute of *Carliſle* 35. *Ed.* 1. mentioned in *Caudries* caſe, in the fifth Report, ſaith, that the Church of *England* is founded in the ſtate of Prelacie by the Kings of *England* and their Progenitors. Which likewiſe appeares by the firſt Chapter in *Magna Charta*, in theſe words, *Conceſſimus Deo & Eccleſiæ Anglicanæ omnes libertates, &c.* and in the twentie fifth yeare of *Edward* the third, in the French Roll which I have ſeene, there the Archbiſhop and Clergie petition the King for their liberties, in theſe words, thus Engliſhed, *That for the reverence of God and holy Church, and of his grace and bounty, he will confirme all thoſe liberties, priviledges, and rights, granted and given by him and his noble Progenitors, to the Church by their Charters:* which plainly ſheweth, that they have their Epiſcopall Juriſdiction from the Kings of *England*, and not *Iure divino*, by divine right: and this likewiſe is acknowledged by themſelves in the Statute of 37. *H.* 8. *cap.* 17. that they have their Epiſcopall juriſdiction, and all other Eccleſiaſticall juriſdiction whatſoever ſolely and onely, by, from, and under the King.

The ſecond thing that is trenching upon the Crowne, is this, that it is holden at this day, that Epiſcopacy is inſeparable to the Crowne of *England*; and therefore it is commonly now ſaid, *No Biſhop, no King: no Miter, no Scepter:* which I utterly deny; for it is plaine and apparant, that the Kings of *England* were long before Biſhops, and have a ſubſiſtance without them, and have done, and may ſtill depoſe them.

The

The third is likewiſe conſiderable, as trenching upon the Crowne, which is that was ſaid under the Gallery, that Epiſcopacy was a third eſtate in Parliament, and therefore the King and Parliament could not be without them. This I utterly deny, for there are three eſtates without them, as namely, the King, who is the firſt eſtate; the Lords Temporall the ſecond, and the Commons the third; and I know no fourth eſtate. Beſides, the Kings of *England* have had many Parliaments, wherein there have beene no Biſhops at all: as for example, *Ed.* 1. 24 of his reigne held his Parliament at *Edmundbury*, *excluſo Clero*; and in the Parliament 7. *R.* 2. *c.* 3. & 7. *R.* 2. *c.* 12. it doth appeare, that they were enacted by the King, with the aſſent and agreement of the Lords Temporall, and Commons, where the eſtates of Parliamen are mentioned, and not the Clergie. Divers other ſtatutes might likewiſe be named to this purpoſe, which I omit.

The fourth and laſt thing is of the Biſhops holding of the Eccleſiaſticall Courts in their owne names, and not in the name of the King, nor by Commiſſion from him, contrary to the Statute of 1 *Edw.* 6. *cap.* 2. and contrary to the practice of Biſhop *Ridley*, *Coverdale*, and *Ponnet*, who tooke Commiſſions from the *KING* for holding their Eccleſiaſticall Courts, as may be ſeene at this day in the Rolles.

And although it will bee objected, that by a late Proclamation, in the yeare of our Lord God, 1637. wherein the opinion of the Iudges mentioned, it is declared upon their opinion, that the act of 1 *Edw.* 6. was repealed, and that Biſhops may now keep Courts in their owne names, and ſend proceſſe under their owne Seales; yet it is well knowne, that the Statute of 1 Q. *Mary*, which repealed the Statute of 1 *Ed.* 6. was it ſelfe repealed by the Statute of 1 *Iac.* *cap* 25. Whereupon it was holden upon a full

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a full debate of this poynt in Parliament, 7 *Iac.* which I have ſeene that upon conſideration of the Statutes of 1 *Iac.* and 1. *Eliz. cap* 1. and 8 *Eliz. cap.* 1. that the Statute of 1 *Ed.* 6. was revived. and that Biſhops ought not to keepe Courts in their owne names: So that for theſe reaſons ſo nearely concerning the right of the Crowne of *England* in the poynt of Epiſcopacy, I am againſt the propoſall of that queſtion, and am for the retaining of the *London Petition*, and for a thorow Reformation of all abuſes, and grievances of Epiſcopacy mentioned in the Miniſters Remonſtrance, which Reformation may perhaps ſerve the turne without alteration of the Government of *England*, into a forme of Presbytery, as it is in other Kingdomes of *Scotland*, *France*, *Geneva*, and the *Low Countries*, which for mine owne part, had I lived in theſe Kingdomes, I ſhould have bin of the opinion of the Protèſtant party in point of Presbytery, becauſe thoſe Kingdomes are governed by the Civill Law, which maintaines the juriſdiction of the Pope and Papall Epiſcopacy, which the ancient Lawes of *England* condemne, being likewiſe in themſelves oppoſite to the Civill and Canon Lawes. And if notwithſtanding all the Reformation that can be made by the Lawes of this Land, a better forme of government may evidently appeare to us, concerning which there is no forme now before us; it is to be taken by us into conſideration, according to that imperiall Conſtitution in theſe words, *In rebus nobis conſtituendis evidens utilitas eſſe debet, ut ab eo jure recedatur quod diu æquum viſum eſt.*

And ſo Mr. *Speaker*, I ſhortly conclude, that for theſe Reaſons, omitting divers more, the *London* Petition is to be retained.

The

The Speeches of Sir *Benjamin Rudyer* in the High Court of *Parliament.*

Mr. Speaker,

WEe are here aſſembled to doe Gods buſineſſe and the Kings, in which our owne is included, as wee are Chriſtians, as wee are Subjects. Let us firſt feare GOD, then ſhall wee honour the King the more: for I am afrayd wee have beene the leſſe proſperous in *Parliaments*, becauſe wee have preferred other matters before Him. Let Religion be our *Primum Quarite*, for all things elſe, are but *Etcætera's* to it; yet we may have them too, ſooner and ſurer, if wee give God his precedence.

We well know what diſturbance hath been brought upon the Church, for vain petty trifles. How the whole Church, the whole Kingdome hath beene troubled, where to place a Metaphor, an *Altar*. Wee have ſeene Miniſters, their Wives, Children, and Families undone, againſt Law, againſt Conſcience, againſt all Bowells of Compaſſion, about not dancing upon Sundayes. What doe theſe ſort of men think will become of themſelves, when the *Maſter of the houſe ſhall come*, and finde them

them thus beating their fellow ſervants? Theſe Inventions were but Sives made of purpoſe to winnow the beſt men, and that's the Devills occupation. They have a minde to worry preaching, for I never yet heard of any, but diligent preachers that were vext with theſe and the like devices. They deſpiſe prophecie, and as one ſaid, *They would faine be at ſomething were like the Maſſe, that will not bite. A muzzl'd Religion.* They would evaporate and diſ-ſpirit the power and vigour of Religion, by drawing it out into ſolemne, ſpecious formalities, into obſolete, antiquated Ceremonies, new furbiſh'd up. And this (belike) is the good worke in hand, which Dr. *Heylin* hath ſo often celebrated in his bold Pamphlets. All their Acts, and actions are ſo full of mixtures, involutions and complications, as nothing is cleare, nothing ſincere in any of their proceedings: Let them not ſay, that theſe are the perverſe ſuſpitious malicious interpretations of ſome few factious Spirits amongſt us, when a Romaniſt hath bragged, and congratulated in print, *That the face of our Church begins to alter, the Language of our Religion to change.* And *Sancta Clara* hath publiſhed, *That if a Synod were held, non* Non intermixtis Puritanis, *ſetting Puritanes aſide, our Articles and their Religion would ſoone be agreed.* They have ſo brought it to paſſe, that under the name of Puritans, all our Religion is branded, and under a few hard words againſt Ieſuites, all popery is countenanc'd.

Whoſoever ſquares his actions by any rule, either Divine or Humane, hee is a a Puritan. Whoſoever would be governed by the Kings Lawes, he is a Puritan. Hee that will not doe whatſoever other men would have him doe, he is a Puritan. Their great worke, their Maſter-piece now is, *To make all thoſe of the Religion, to be the ſuſpected party of the Kingdome.*

Let

Let us further reflect upon the ill effect theſe Courts have wrought, what by a defection from us, on the one ſide, a ſeparation on the other; Some imagining whither we are tending, made haſte to turne, or declare themſelves Papiſts before hand, thereby hoping to render themſelves the more gracious, the more acceptable. A great multitude of the Kings Subjects, ſtriving to hold communion with us; but ſeeing how far we were gone, and fearing how much further we would goe, were forc'd to flye the Land, ſome into other inhabited Countries, very many into Savage wildernesſes, becauſe the Land would not bear them. Do not they that cauſe theſe things caſt a reproach upon the government?

Mr. *Speaker*, let it be our principall care that theſe wayes neither continue, nor returne upon us. If wee ſecure our Religion, wee ſhall cut off and defeat many Plots that are now on foot by Them and Others. Beleeve it Sir, Religion hath beene for a long time, and ſtill is the great deſigne upon this Kingdome. It is a knowne and practic'd principle, That they who would introduce another Religion into the Church, muſt firſt trouble and diſorder the government of the State, that ſo they may worke their ends in a confuſion which now lyes at the doore.

I come next Mr. *Speaker*, to the Kings buſineſſe more particularly; which indeed is the Kingdomes, for one hath no exiſtence, no being without the other, their relation *is* ſo neere; yet ſome have ſtrongly and ſubtilly laboured a divorce, which hath beene the very band both of King and Kingdome.

When foundations are ſhaken, it is high time to looke to the building. He hath no Heart, no Head, no Soule, that is not moved in his whole man, to look upon the diſtreſſes, the miſeries of the Common-wealth, that is not forward in all that he is, and hath, to redreſſe them in a right way.

The King likewiſe is reduced to great ſtraights, wherein it were undutifulneſſe beyond inhumanity, to take advantage for him: let us rather make it an advantage for him, to doe him beſt ſervice when he hath moſt need. Not to ſeeke our owne good, but in Him, and with Him, elſe wee ſhall commit the ſame crimes our ſelves, which wee muſt condemne in others.

His Majeſty hath clearely and freely put himſelfe into the hands of this *Parliament*, and I preſume, there is not a Man in this Houſe, but feeles himſelfe advanc't in this high truſt; but if Hee proſper no better in our hands than he hath done in theirs, who have hitherto had the handling of his affaires, wee ſhall for ever make our ſelves unworthy of ſo gracious a confidence.

I have often thought and ſaid, that it muſt bee ſome great extremity, that would recover and certifie this ſtate, and when that extremity did come, *It would be a great hazzard whether it might prove a remedy, or ruine.* We are now Mr. *Speaker* upon that verticall turning poynt, and therefore it is no time to palliate, to foment our owne undoing.

Let us ſet upon the remedy, wee muſt firſt know the Diſeaſe: But to diſcover the diſeaſes of the State, is (according to ſome) to traduce the Government; yet others are of opinion, that this is the halfe way to the Cure.

His Majeſty is wiſer than they that have adviſed him, and therefore hee cannot but ſee and feele their ſubverting deſtructive Counſells, which ſpeake lowder than I can ſpeak of them: for they ring a dolefull deadly knell over the whole Kingdome. His Majeſty beſt knowes who they are: for us, let the Matters bolt out the men, their actions diſcover them.

They are men that talke largely of the Kings ſervice,

ſervice, have done none but their owne, and that's too evident.

They ſpeake highly of the Kings power, but they have made it a miſerable power, that produceth nothing but weakneſſe, both to the King and Kingdome.

They have exhauſted the Kings revenew to the bottome, nay through the bottome, and beyond.

They have ſpent vaſt ſummes of money waſtefully, fruitleſly, dangerouſly: So that more money without other Counſells will be but a ſwift undoing.

They have alwayes peremptorily purſued one obſtinate pernicious courſe. Firſt, they bring things to an extremitie, then they make that extremity of their owne making, the reaſon of their next action, ſeven times worſe than the former, and there wee are at this inſtant.

They have almoſt ſpoyled the beſt inſtituted Government in the world, for Soveraignty in a King, liberty to the Subject; the proportionable temper of both which, makes the happieſt ſtate for power, for riches, for duration.

They have unmannerly and ſhubbringly caſt all their Projects, all their Machinations upon the King: which no wiſe or good Miniſter of State ever did, but would ſtill take all harſh, diſtaſteful things upon themſelves, to cleare, to ſweeten their Maſter.

They have not ſuffered his Majeſtie to appeare unto his people, in his owne native goodneſſe.

They have eclipſed him by their interpoſition: althogh groſſe condenſe bodies may obſcure, and hinder the Sun from ſhining out, yet is hee ſtill the ſame in his owne ſplendor. And when they are removed, all Creatures under him are directed by his light, comforted by his beames: But they have framed a ſuperſtitious ſeeming Maxime of State for their owne turne; *That if a King will ſuffer men to be torne from him, hee ſhall never have*

any good ſervice done him. When the plaine truth is that this is the ſureſt way to preſerve a King from having ill ſervants about him. And the Divine Truth likewiſe is, *Take away the wicked from the King, and his Throne ſhall be eſtabliſhed.*

Mr. Speaker, Now wee ſee what the ſores are in generall: and when more particulars ſhall appeare; let us bee very carefull to draw out the Cores of them: not to skin them over with a ſlight ſuppurating, ſtring Cure, leſt they breake out againe into a greater miſchiefe; conſider of it; conſult and ſpeake your mindes.

It hath heretofore beene boaſted, *That the King ſhould never call a Parliament till he had no need of his people*; Theſe were words of Diviſion, and malignitie. *The King muſt alwaies according to his occaſions, have uſe of his peoples Power, Hearts, Hands, Purſes, The People will alwayes have need of the Kings Clemencie, Juſtice, Protection. And this Reciprocation is the ſtrongeſt, the ſweeteſt union.*

It hath bin ſaid too of late, *That a Parliament will take away more from the King, then they will give him.* It may well be ſaid, *That thoſe things which will fall away of themſelves, will enable the Subject to give him more than can be taken any way elſe. Projects and Monopolies are but leaking Conduit-pipes; The Exchequer it ſelfe at the fulleſt, is but a Cuſtome, and now a broken one; frequent Parliaments onely are the Fountaine: And I doe not doubt but in this Parliament, as wee ſhall bee free in our adviſes, ſo ſhall wee be the more free of our purſes, that his Majeſtie may experimentally finde the reall difference of better Counſells, the true ſolid grounds of raiſing and eſtabliſhing his Greatneſſe, never to be brought againe (by Gods bleſſing) to ſuch dangerous, ſuch deſperate perplexities.*

Mr.

Mr. *Speaker*, I confeſſe I have now gone in a way much againſt my Nature, and ſomewhat againſt my Cuſtome heretofore uſed in this place. But the deplorable, diſmall condition both of Church and State have ſo far wrought upon my judgement, as it hath convinced my diſpoſition, yet am I not *Vir Sanguinum*; I love no mans ruine; I thanke God, I neither hate any mans perſon, nor envie any mans fortune, onely I am zealous of a thorow Reformation in a time that exacts, that extorts it. Which I humbly beſeech this Houſe may bee done with as much lenity, as much moderation, as the publick ſafety of the King and Kingdome can poſſibly admit.

Ano-

Another Speech of Sir *Benjamin Rudyer*, in the High Court of *Parliament*.

Mr. Speaker,

I will become us thankfully to acknowledge the prudent and painfull endeavours of my Lords, the Peeres, Commissioners intreating with the Scots, in mediating with the King: whereby (God assisting) wee are now probably drawing neare to a blessed peace.

His Majesty in his Wisedome and Goodnesse, is graciously pleased to give his royall assent to their Acts of Parliament, wherein the Articles of their Assembly are likewise included: Insomuch as their Religion, their Lawes, their Liberties are ratified and established: Besides, their Grievances reliev'd, and redress'd; For which Wee use to give the King Money, and are still ready to doe it. This (although it be a large) yet it is not received as a full satisfaction.

Besides, when They came into England, *they published in a Remonstrance, That they would take nothing of the English, but what they would pay for, or give security. We have defrayed them hitherto, and are provided to doe it longer.*

They did well remember, that we assisted them in the time

time of their Reformation: And it is not to be forgotten; that we did beare our owne charges.

Concerning mutuall Restitution of Ships, and Goods, My Lords the Commissioners have very fairely and discreetly accommodated that particular already.

As for inferentiall consequentiall dammages, such a Representation would but minister unacceptable matter of Difference and Contestation, which amongst friends ought to be warily and wisely avoyded.

We could alleadge and truely too, That Northumberland, New-Castle, and the Bishoprick, will not recover their former state these twenty yeares. Wee have heard it spoken here in this house, by an understanding knowing member in the particular, that the Coale-Mines of New-Castle will not bee set right againe for one hundred thousand pounds; besides the over-price of Coales which all the while it hath, and will cost this City, and other parts of the Kingdome. A great deale more of this nature might be rehearsed; but I delight not to presse such tenter-stretched Arguments. Let us on both sides rather thanke God, by proceeding in the way he hath laid before us, and not wry his way to ours. Time and his Blessing will repaire all our implicit Dammages, with many prosperous explicite advantages.

They say, that they doe not make any formall demand; But they doe make a summe to appeare, five hundred and fourteene thousand pounds, more than ever wee gave the King at once. A portentous Apparition! which shewes it selfe in a very dry time, when the Kings revenue is totally exhausted, his Debts excessively multiplied, the Kingdom generally impoverished, by grievous burthens, and disordered Courses: All this supply is to be drawne out of us onely, without the least helpe from any of his Majesties other Dominions: which to my seeming will be an utter draining of the people; unlesse England bee Puteus inexhaustus, as the Popes were wont to call it.

Not-

Notwithſtanding Sir, now that I have in part opened the ſtate we are in, though nothing ſo exactly as they have done theirs, I ſhall moſt willingly and heartily afford the Scots whatſoever is juſt, Equitable and Honourable, even to a convenient, conſiderable round ſumme of Money, towards their loſſes and expences, That we may goe off with a friendly and handſome loos. If they reject it, we ſhall improve our Cauſe.

It was never yet thought Mr. Speaker, *any great wiſedome over-much to truſt a ſucceſſeful Sword. A man that walkes upon a riſing ground, the further he goes, the larger is his Proſpect. Succeſſe inlarges mens deſires, extends their ambition, it breeds thoughts in them they never thought before; This is naturall and uſuall.*

But the Scots being truely touched with Religion, according to their profeſſion, that onely is able to make them keep their word: for Religion is ſtronger and wiſer than Reaſon or Reaſon of State.

Beyond all this, Mr. Speaker, *the remarkable Traces of Gods wonderfull Providence in this ſtrange worke, are ſo many, ſo apparant, as I cannot but hope almoſt to beliefe: That the ſame all-governing mercifull hand, will conduct and lead us to a happy Concluſion, will contract a cloſer firmer union between the two Nations, than any meere humane Policy could ever have effected: which ineſtimable Benefits to both, in advancing the truth of Religion, in exalting the greatneſſe of the King, in ſecuring the peace of his Kingdomes, againſt all Malicious, Envious, Ambitious oppoſites, to Religion, to the King, to his Kingdomes; wherein I preſume, all our deſires and prayers doe meet.*

Ano-

Another Speech of Sir *Benjamin Rudyer* in the High Court of *Parliament.*

Mr. Speaker,

I Doe verily believe, that there are many of the Clergie in our Church, who doe think the ſimplicity of the Goſpell, too meane a vocation for them to ſerve in: They muſt have a ſpecious, pompous, ſumptuous Religion, with additionalls of Temporall greatneſſe, Authority, Negotiation: Notwithſtanding, they all know better than I, what Fathers, Schoolemen, Councells are againſt their mixing themſelves in ſecular affaires.

This Roman *Ambition will at length bring in the* Roman *Religion, and at laſt a haughty inſolence even againſt ſupreame power it ſelfe, if it bee not timely and wiſely prevented.*

They have amongſt them an Apothegm of their owne making, which is, No Miter, no Scepter, *when wee know by deare experience, that if the Mitre be once in danger, they care not to throw the Scepter after, to confound the whole Kingdome for their intereſt.*

And Hiſtories will tell us, that whenſoever the Clergie went high, Monarchy ſtill went lower: If they could

not make the Monarch the head of their owne Faction, they would be sure to make him leſſe: witneſſe one example for all, The Popes working the Emperour out of Italy.

Some of ours, as ſoone as they are Biſhops adepto ſpiritu ceſſant Motus, They will preach no longer, their office then is to governe. But in my opinion they governe worſe than they Preach, though they preach not at all; for wee ſee to what paſſe their government hath brought us.

In conformity to themſelves, They ſilence others alſo, though Hierom *in one of his Epiſtles ſaith, that even a Biſhop, let him be of never ſo blameleſſe a life, yet he doth more hurt by by his licence, than he can doe good by his example.*

Mr. Speaker, *It now behooves us, to reſtraine the Biſhops to the duties of their Function, as they may never more hanker after heterogeneous extravagant employments: Not be ſo abſolute, ſo ſingle and ſolitary in actions of Moment, as Excommunication, Abſolution, Ordination, and the like: but to joyne ſome of the Miniſtry with them, and further to regulate them according to the uſage of Ancient Churches, in the beſt times, that by a well-temper'd Government, they may not have power hereafter, to corrupt the Church, to undoe the Kingdome.*

When they are thus circumſcribed, and the publique ſecur'd from their Eruptions, then ſhall not I grudge them a liberall plentifull ſubſiſtence: elſe I am ſure they can never be given to Hoſpitality.

Although the calling of the Clergie be all glorious within, yet if they have not a large, conſiderable outward ſupport, they cannot be freed from vulgar Contempt.

It will alwaies be fit, that the flouriſhing of the Church ſhould hold proportion with the flouriſhing of the Commonwealth, wherein it is. If we dwell in houſes of Cedar, why ſhould they dwell in skins? And I hope, I ſhall never ſee a good Biſhop left worſe than a Parſon without a Gleab.

Certain-

Certainly Sir, this ſuperintendencie of eminent men, Biſhops over divers Churches, is the moſt Primitive, the moſt ſpreading, the moſt laſting Government of the Church. Wherefore whileſt we are earneſt to take away Innovations, let us beware wee bring not in the greateſt Innovation that ever was in England.

I doe very well know, what very many doe very fervently deſire. But let us well bethinke our ſelves, whether a popular Democraticall Government of the Church (though fit for other places) will be either ſutable or acceptable to a Regall, Monarchicall Government of the State.

Every man can ſay, (It is ſo common and knowne a Truth) that ſuddaine and great changes both in naturall and Politick bodies have dangerous opperations: and give mee leave to ſay, that we cannot preſently ſee to the end of ſuch a conſequence, eſpecially in ſo great a Kingdome as this, and where Epiſcopacie is ſo wrap'd and involv'd in the Lawes of it.

Wherefore Mr. Speaker, *my humble Motion is, that we may puniſh the preſent offenders, reduce and preſerve the Calling for better men hereafter. Let us remember with freſh thankfulneſſe to* God, *thoſe glorious Martyr-Biſhops who were burn'd for our Religion in the times of Popery, who by their learning, zeale, and conſtancy, upheld and convey'd it downe to us.*

We have ſome good Biſhops ſtill, who doe Preach every Lords Day, and are therefore worthy of double honour; they have ſuffered enough already in the Diſeaſe: I ſhall bee ſorry we ſhould make them ſuffer more in the Remedy.

A meſſage delivered from the Commons to the Lords of the Vpper Houſe in Parliament, by Mr. Rom. *Novemb.* 11. 1640.

My Lords:

THe Knights, Citizens, and Burgeſſes, now aſſembled for the Commons in Parliament, *have received information of divers traiterous deſignes and practices of a great Peere of this Houſe; and by vertue of a command from them, I doe here, in the name of the Commons now aſſembled in* Parliament, *and in the name of all the Commons of* England, *accuſe* Thomas *Earle of* Strafford, *Lo. Lieutenant of* Ireland, *of high Treaſon: and they have commanded me further, to deſire your Lordſhips that he may be ſequeſtred from* Parliament, *and forthwith committed to priſon. They have further commanded mee, to let you know that they will within a very few dayes reſort to your Lordſhips, with the particular Articles and grounds of this accuſation. And they doe further deſire, that your Lordſhips will thinke upon ſome convenient and fit way, that the paſſage betwixt* England *and* Ireland, *for his Majeſties ſubjects of both Kingdomes, may be free, notwithſtanding any reſtraint to the contrarie.*

The Lord Lieutenant being required to withdraw, and after a debate thereof called in, kneeled at the Bar, and after ſtanding up, the L. Keeper ſpake as followeth.

My Lord of Strafford:

THe Houſe of Commons in their owne name, and in the name of the whole Commons of England, *have*

this day accuſed your Lordſhip to the Lords of the Higher Houſe of Parliament *of high treaſon. The articles they will within a very few dayes produce: In the meane time they have deſired of my Lords, and my Lords have accordingly reſolved, that your Lordſhip ſhall be committed to ſafe cuſtody to the Gentleman Uſher, and be ſequeſtred from the Houſe, till your Lordſhip ſhall cleare your ſelfe of the accuſations that ſhall be laid againſt you.*

Articles of the Commons aſſembled in Parliament, againſt *Thomas* Earle of *Strafford*, in maintenance of his accuſation, whereby he ſtands charged of High Treaſon.

I.

THat he the ſaid Thomas, *Earle of* Strafford, *hath traiterouſly endevoured to ſubvert the fundamentall Lawes and government of the Realmes of* England *and* Ireland, *and in ſtead thereof to introduce an Arbitrary and Tyrannicall Government againſt Law, which hee hath declared by traiterous words, counſels, and actions, and by giving his Majeſtie advice, by force of Armes to compell his loyall Subjects to ſubmit thereunto.*

2. *That hee hath traiterouſly aſſumed to himſelfe Regall power over the lives, liberties, perſons, lands, and goods of his Majeſties Subjects in* England *and* Ireland, *and hath exerciſed the ſame tyrannically, to the ſubverſion and*

and undoing of many, both of Peeres and others of his Majesties Liege people.

3. That the better to enrich and enable himselfe to goe thorow with his traiterous designes, hee hath detained a great part of his Majesties revenue, without giving legall account; and hath taken great summes out of the Exchequer, converting them to his owne use, when his Majestie was necessitated for his owne urgent occasions, and his Army had beene a long time unpaid.

4. That he hath traiterously abused the power and authoritie of his government, to the encreasing, countenancing, and encouraging of Papists, that so hee might settle a mutuall dependance and confidence betwixt himselfe and that partie, and by their help prosecute, and accomplish his malicious and tyrannicall designes.

5. That hee hath malicionsly endevoured to stir up enmitie and hostilitie betweene his Majesties subjects of England, and those of Scotland.

6. That he hath traiterously broken the great trust reposed in him by his Majestie, of Lieutenant Generall of his Army, by wilfully betraying divers of his Majesties Subjects to death, his Army to a dishonourable defeat by the Scots at Newborn, and the Towne of New-Castle into their hands, to the end, that by the effusion of bloud, by dishonour, and so great a losse of New-Castle, his Majesties Realme of England might be engaged in a Nationall and irreconciliable quarrell with the Scots.

7. That to preserve himselfe from being questioned for those and other his traiterous courses, hee laboured to subvert the right of Parliaments, and the ancient course of Parliamentarie proceedings, and by false and malicious slanders to incense his Majestie against Parliaments. By which words, counsels, and actions, hee hath traiterously, and contrary to his allegiance, laboured to alienate the hearts of the Kings Liege people from his Majestie, to set a division betweene them, and to ruine and destroy his

Majesties

Majeſties Kingdomes, for which they impeach him of high Treaſon againſt our Soveraigne Lord the King, his Crown and dignitie.

8. *And he the ſaid Earle of Strafford was Lord Deputie of Ireland, and Lieutenant Generall of the Army there,* viz *His moſt excellent Majeſtie, for his Kingdomes both of England and Ireland, and the L. Preſident of the North, during the time that all and everie the crimes and offences before ſet forth were done and committed, and hee the ſaid Earle was Lieutenant Generall of all his Majeſties army in the North parts of England, during the time that the crimes and offences in the fifth and ſixth articles ſet forth were done and committed.*

9. *And the ſaid Commons by proteſtations, ſaving to themſelves the libertie of exhibiting at any time hereafter any other accuſation or impeachment againſt the ſaid Earle, and alſo of replying to the anſwers that hee the ſaid Earle ſhall make unto the ſaid articles, or to any of them, and of offering proves alſo of the premiſſes, or any of them, or any other impeachment or accuſation that ſhall be exhibited by them, as the cauſe ſhall according to the courſe of Parliaments require, doe pray that the ſaid Earle may be put to anſwer for all and every the premiſſes, that ſuch proceedings, examinations, trials, and judgements may be upon everie of them had and uſed, as is agreeable to Law and Juſtice.*

The

The further impeachment of *Thomas* Earle of *Strafford* by the Commons assembled in Parliament.

1640

WHereas the said Commons have already exhibited Articles against the said Earle formerly expressed &c. Now the said Commons doe further impeach the said Earle as followeth, &c.

1. That he the said Earle of Strafford the 21. day of March, in the 8. yeare of his now Majesties Reigne, was president of the Kings Counsell in the Northerne parts of England.

That the said Earle being president of the said Counsell on the 21. day of March a Commission under the great Seal of England, with certaine Schedules of instructions thereunto annexed, was directed to the said Earle, or others the Commissioners therein named, wherby amongst other things power and authority is limited to the said Earle, and others the Commissioners therein named, to heare and determine all offences, and misdemeanors, suits, debates, controversies and demaunds, causes, things and matters, whatsoever therein contain'd, and within certaine precincts in the said Northerne parts therein specified, and in such manner as by the said Schedule is limited and appointed.

That amongst other things in the said instructions, it is directed that the said President and others therein appointed, shall heare and determine according to the course of proceedings in the Court of Starchamber, divers offences, deceits, and falsities therein mentioned, whether the same be provided for by the Acts of Parliament, or not, so that the Fines imposed be not lesse then by Act or Acts

of

of Parliament provided for by those offences is appointed

That also amongst other things in the said instructions, it is directed that the said president and others therein appointed, have power to examine, heare, and determine, according to the course of proceedings in the Court of Chancery, *all manner of complaints for any matter within the said precincts, as well concerning lands, tenements, and hereditaments, whether free-hold, customary, or coppy-holde, as Leases, and other things therein mentioned, and to stay proceedings in the Court of Common Law by Injunction, or otherwise, by all wayes and meanes, as is used in the Court of Chancery.*

And although the former Presidents of the said Counsell had never put in practise such Instructions, *nor had they any such* Instructions, *yet the said Earle in the moneth of May in the said* 8. *yeare, and divers years following, did put in practise, exercise, and use, and caused to be used and put in practise the said* Commission and Instructions, *and did direct and exercise an exorbitant and unlawfull power and jurisdiction on the persons and estates of his Majesties subjects in those parts, and did disin-herit divers of his Majesties subjects in those parts of their inheritances, sequestred their possessions, and did fine, ransome, punish and imprison them, and caused them to be fined, ransomed, punished and imprisoned, to their ruine and destruction, and namely, Sir* Conier Darcy, *Sir* Iohn Bourcher, *and divers others against the Lawes, and in subversion of the same. And the said Commission and Instructions were procured and issued by the advice of the said Earle.*

And he the said Earle, to the intent that such illegall & unjust power might be exercised with the greater licence and will, did advise, Counsell, & procure further directions, in and by the said instructions to be given, that no prohibition be granted at all, but in cases where the said Counsell shall exceed the limits of the said instructions: And that if any Writ of Habeas Corpus *be granted, the party be not discharged till the party performe the Decree and Order of the said Counsell.*

And the ſaid Earle in the 13. *yeare of his now Ma-*
jeſties Reigne did procure a new Commiſſion to himſelfe
and others therein appointed, with the ſaid Inſtructions, and
other unlawfull additions.

That the ſaid Commiſſion and Inſtructions were procu-
red by the ſolicitation and advice of the ſaid Earle of Staf-
ford.

2. *That ſhortly after the obtaining of the ſaid Commiſ-*
ſion dated the 21 *of* March, *in the* 8 *yeare of his now Ma-*
jeſties Reigne (to wit) the laſt day of Auguſt *then next fol-*
lowing, he the ſaid Earle (to bring his Majeſties liege
people into a diſlike of his Majeſtie and of his Government,
and to terrifie the Iuſtices of the Peace from executing of
the Lawes: He the ſaid Earle, beeing then Preſident, as
aforeſaid, and a Iuſtice of Peace) did publiquely at the
Aſſiſes held for the County of Yorke, *in the City of* Yorke,
in and upon the ſaid laſt day of Auguſt, declare and publiſh
before the people there attending for the adminiſtration of
Iuſtice according to the Law, & (in the preſence of the
Iuſtices ſitting; That ſome of the Juſtices were all for
Law, but they ſhould finde that the Kings little finger
ſhould be heavier then the loynes of the Law.

3. *That the Realme of Ireland having been time out of*
minde annexed to the Imperiall Crowne of England, *and*
governed by the ſame Lawes: The ſaid Earle being Lord
Deputy of that Realme, to bring his Majeſties liege people
of that Kingdome likewiſe into diſlike of his Majeſties go-
vernment, and intending the ſubverſion of the fundamental
Lawes and ſetled government of that Realme, and the
diſtraction of his Majeſties liege people there, did upon the
30. *day of September, in the ninth yeare of his now Ma-*
jeſties Reigne, in the Citie of Dublin (*the chiefe Citie of*
that Kingdome, where his Majeſties privie Counſell,
and Courts of Iuſtice doe ordinarily reſide, and whither
the Nobility and Gentry of that Realme doe uſually reſort
for Iuſtice,) *in a publike Speech before divers of the No-*

bility

bility and Gentry, and before the Major, Aldermen and Recorder, and many Citizens of Dublin, *and other his Majesties Liege people, declare and publish that* Ireland was a conquered Nation, and that the King might doe with them what he pleased and speaking of the Charters of the former Kings of England made to that Citie, he further said that their Charters were nothing worth, and did binde the King no further then hee pleased.

4. *That* Richard *Earle of* Cork, *having sued out processe in course of Law for recovery of his possessions, from which he was put by colour of an order made by the said Earle of* Strafford, *and the Counsell Table of the said Realme of Ireland. The said Earle of Strafford upon a paper petition without legall proceeding, did the* 20. *day of February, in the* 11. *yeare of his now Majesties Reigne, threaten the said Earle of* Corke (beeing then a Peere of the said Realme) *to imprison him, unlesse he would surcease his suit, and said*, That he would have neither Law nor Lawyers dispute or question any of his orders. *And the* 20. *day of* March *in the said* 11. *year of the said Earle of* Strafford, *speaking of an order of the said Counsell Table of that Realme, in the time of King* James, *which concerned a Lease which the said Earle of* Corke *claimed in certaine rectories or tithes which the said Earle of* Cork *alleaged to be of no force, said*, That he would make the said Earle, and all *Ireland* know, so long as hee had the government there, any Act of State, there made or to bee made, should bee as binding to the Subjects of that Kingdome, as an Act of Parliament; And did question the said Earle of *Corke* in the Castle Chamber, upon pretence of the breach of the said order of Counsell Table, and diverse sundry other times, and upon sundry other occasions, by his words and speeches arrogate to himselfe a power above the fundementall Lawes, and established Government of that Kingdome, and scorned the said Lawes and established government.

5 *That according to such his Declarations and Practises, the said Earle of Strafford* did use and exercise a power above, and against, and to the subversion of the said fundamentall Laws, and established government of the said Realme of *Ireland*, extending such his power, to the goods, free-holds, inheritances, liberties, and lives of his Majesties Subjects in the said Realme, viz. The said Earle of *Strafford* the twelfth day of [illegible] *Anno Domini* 1635. in the time of full peace, did in the said Realme of Ireland, give and procure to bee given against the Lord *Mount Norris* (then and yet a Peere of *Ireland*, and then Vice-Treasurer and receiver generall of the Realme of *Ireland*, and one of the principall Secretaries of State, and Keeper of the privy Signet of the said Kingdome, a sentence of death by a Councell of warre called together by the said Earle of *Strafford*, without any warrant or authority of Law, or offence deserving any such punishment. And hee the said Earle did also at *Dublin*, within the said Realm of *Ireland*, in the Month of *March*, in the fourteenth yeare of his Majesties Reigne without any legall or due proceedings or tryall, give, or cause to bee given a sentence of death against one other of his Majesties Subjects, whose name is yet unknowne, and caused him to be put to death in execution of the said sentence.

6 *That the said Earle of* Strafford, *without any legall proceedings, and upon a paper Petition of Richard Ralstone*, did cause the said Lord *Mount-Norris* to be disseized and put out of possession of his free-hold and inheritance of his *Mannor* and *Tymore* in the Countrey of *Armagh*, in the Kingdome of *Ireland*, the said Lord *Mount-Norris* having beene two yeares before in quiet possession thereof.

7 *That the said Earle of* Strafford, *in the Terme of holy Trinity, in the thirteenth yeare of his now Majesties Reigne*, did cause a case, commonly called *the case of Tenures*

Tenures upon defective Titles, to be made and drawne up without any jury or tryall, or other legall proceſſe, and without the conſent of parties, and did then procure the Iudges of the ſaid Realme of *Ireland* to deliver their opinions and reſolutions to that caſe, and by colour of ſuch opinion, did without any legal proceeding cauſe *Thomas* Lord *Dillon*, a Peere of the ſaid Realme of *Ireland*, to be put out of poſſeſſion of divers Lands, and Tenements, being his free-hold in the Countrey of *Mago* and *Roſecomen*, in the ſaid Kingdome, and divers other of his Majeſties Subjects to be alſo put out of poſſeſſion, & diſſeized of their free-hold by colour of the ſame reſolution, without legall proceedings, whereby many hundreds of his Majeſties ſubjects were undone, and their families utterly ruinated.

8 *That the ſaid Earle of* Strafford *upon a Petition of Sir* Iohn Gifford *Knight, the firſt day of* February, *in the ſaid thirteenth yeare of his Majeſties reigne, without any legall Proceſſe*, made a Decree or Order againſt *Adam* Viſcount *Loſts* of *Elie*, a Peere of the ſaid Realme of *Ireland*, and L. *Chancellor* of *Ireland*, & did cauſe the ſaid Viſcount to be impriſoned and kept cloſe priſoner, on pretence of diſobedience to the ſaid Decree or order.

And the ſaid Earle without any authority, and contrary to his Commiſſion, required and commanded the ſaid Lord Viſcount to yeeld unto him the great Seale of the Realme of Ireland, which was then in his cuſtody, by his Majeſties command, and impriſoned the ſaid Chancellour for not obeying ſuch his command.

And without any legall proceedings, did in the ſame thirteenth yeare impriſon *George* Earle of *Kildare*, a Peere of *Ireland*, againſt Law, thereby to enforce him to ſubmit his Title to the Manner and Lordſhip of Caſtle Leigh in the Queens County, (being of great yearely value) to the ſaid Earle of *Straffords* will and pleaſure, and kept him a yeare priſoner for the ſaid

cauſe, two moneths whereof hee kept him cloſe priſoner, and refuſed to enlarge him, notwithſtanding his Majeſties Letters for his enlargement to the ſaid Earle of *Strafford* directed.

And upon a Petition exhibited in October, 1635. by *Thomas Hibbots*, againſt dame *Mary Hibbots* widdow, to him the ſaid Earle of *Strafford*, the ſaid Earle of *Strafford* recommended the ſaid Petition to the Counſell Table of *Ireland*, where the moſt part of the Counſell gave their vote and opinion for the ſaid Ladie, but the ſaid Earle finding fault herewith, cauſed an order to be entred againſt the ſaid Lady, and threatned her that if ſhee refuſed to ſubmit thereunto, hee would impriſon her, and fine her five hundred pounds, that if ſhe continued obſtinate, hee would continue her impriſonment, and double her fine every moneth by moneth, whereof ſhee was enforced to relinquiſh her eſtate in the land queſtioned in the ſaid Petition, which ſhortly was conveyed to Sir *Robert Meredith*, to the uſe of the ſaid Earle of *Strafford*.

And the ſaid Earle in like manner did impriſon divers others of his Majeſties Subjects upon pretence of diſobedience to his orders and decrees, and other illegall command by him made for pretended debts, titles of Lands, and other cauſes in an arbitrary and extrajudiciall courſe upon Paper Petitions to him preferred, and no other cauſe legally depending.

9 That the ſaid Earle of *Strafford* the ſixteenth day of *February*, in the twelfth yeare of his now Majeſties Reigne, aſſuming to himſelfe a power above and againſt Law, tooke upon him by a generall *Warrant* under his hand, to give power to the Lord Biſhop of *Down*, and *Connor* his Chancellour, or Chancellors, to their ſeverall Officers thereto to bee appoynted, to attach and arreſt the Bodies of all ſuch of the meaner and poorer ſort, who after Citation ſhould either refuſe to

appeare

appeare before them, or appearing ſhould omit, or denie to performe, or undergoe all lawfull Decrees, Sentences, and orders, iſſued, impoſed, or given out againſt them, & them to commit and keep in the next Goal, untill they ſhould either performe ſuch ſentences, or put in ſufficient Baile to ſhew ſome reaſon before the Counſell Table, of ſuch their contempt and neglect; and the ſaid Earle, the day and yeare laſt mentioned, ſigned and iſſued a Warrant to that effect, and made the like Warrant to ſend to all other Biſhops and their Chancellours in the ſaid Realme of Ireland to the ſame effect.

10 *That the ſaid Earle of* Strafford *being Lord Lieutenant, or Deputy of* Ireland, procured the Cuſtomes of the Merchandize exported out, and imported into that Realme to be farmed to his owne uſe.

And in the ninth yeare of his now Majeſties Reigne, hee having then intereſt in the ſaid Cuſtomes (to advance his owne gaine and lucre) did cauſe and procure the native commodities of *Ireland*, to bee rated in the booke of Rates for the Cuſtomes (*according to which the Cuſtomes were uſually gathered*) at farre greater values and prices than in truth they were worth (*that is to ſay*) every Hide at twenty ſhillings, which in truth was worth but five ſhillings, every ſtone of Wooll at thirteene ſhillings four-pence, though the ſame ordinarily were worth but five ſhillings, at the utmoſt but nine ſhillings; by which meanes the Cuſtome, which before was but a twentieth part of the true value of the commoditie, was inhanſed ſometimes to a fift part, and ſometimes to a fourth, and ſometimes to a third part of the true value, to the great oppreſſion of the Subjects, and decay of *Merchandize*.

11 *That the ſaid Earle, in the ninth yeare of his now Majeſties reigne*, did by his owne will and pleaſure, and for his owne lucre reſtraine the exportation of the com-

commodities of that Kingdome without his licence, *namely Pipe-ſtaves*, and other commodities, and then raiſed great ſummes of money for licenſing of exportation of thoſe Commodities, and diſpenſation of the ſaid reſtraints impoſed on them, by which meanes the *Pipe-ſtaves* were raiſed from foure pound ten ſhillings, or five pound *per* thouſand to ten pound, and ſometimes eleven pound *per* thouſand; and other commodities were inhanced in the like proportion, and by the ſame meanes by him the ſaid Earle.

12 *That the ſaid Earle being* Lord Deputy of Ireland, *on the ninth day of* January *in the thirteenth yeare of his Majeſties Reigne*, did then under colour to Regulate the Importation of Tobacco into the ſaid Realme of *Ireland*, iſſue a Proclamation in his Majeſties Name, prohibiting the importation of Tobacco without licence of him and the Counſell, *there from and after the firſt day of May, Anno Dom. 1638.* after which reſtraint the ſaid Earle, *notwithſtanding* the ſaid reſtraint, cauſed divers great quantities of Tobacco to bee imported to his owne uſe, and fraughted divers ſhips with Tobacco, which he imported to his own uſe: and that if any ſhip brought Tobacco into any Port there, the ſaid Earle and his Agents uſed to buy the ſame to his owne uſe, at their owne price. And if that the owners refuſed to let him have the ſame at under-values, then they were not permitted to vent the ſame; by which undue meanes, the Earle having gotten the whole Trade of Tobacco into his owne hands, he ſold it at great and exceſſive prizes, ſuch as he liſt to impoſe for his owne profit.

And the more to aſſure the ſaid Monopoly of Tobacco, he the ſaid Earle on the three and twentieth day of Febr uary, in the thirteenth yeare aforeſaid, did iſſue another Proclamation, commanding that none ſhould put to ſale any Tobacco by whole-ſale, from and after the laſt day of *May*, then next following, but what ſhould be made

up

up into Rolls, and the ſame Sealed with two Seales by himſelfe appoynted, one at each end of the Roll. And ſuch was not ſealed to be ſeized, appoynting ſixe pence the pound for a reward to ſuch perſons as ſhould ſeize the ſame: and the perſons in whoſe cuſtody the unſealed Tobacco ſhould bee found, to bee committed to Goale, which laſt Proclamation was covered by a pretence for the reſtraining of the ſeale of unwholſome Tobacco, but it was truely to advance the ſaid Monopoly.

Which Proclamation, the ſaid Earle did rigorouſly put in execution, by ſeizing the goods, fining, impriſoning, whipping, and putting the offenders againſt the ſame Proclamation on the Pillory, as namely *Barnaby Hubbard*, *Edward Covena*, *John Tumen*, and divers others: and made the Officers of State, and Iuſtices of Peace, and other Officers to ſerve him in compaſſing and executing theſe unjuſt and undue courſes, by which Cruelties and unjuſt Monopolies, the ſaid Earl raiſed 100000 *li. per annum* gain to himſelf. And yet the ſaid Earle though he inhanced the Cuſtomes, where it concerned the Merchants in general, yet drew down the impoſt formerly taken on Tobacco from ſixe pence the pound to three pence the pound, it being for his owne profit ſo to doe.

And the ſaid Earle, by the ſame, and other rigorous and undue meanes, raiſed ſeverall other Monopolies and unlawfull exactions for his owne gaine, *viz.* on Starch, Iron-pots, Glaſſes, Tobacco-pipes, and ſeverall other commodities.

13 That flaxe being one of the principall and native Commodities of that Kingdome of *Ireland*, the ſaid Earle having gotten great quantities thereof into his hands, and growing on his owne Lands, did iſſue out ſeverall Proclamations, *viz.* one dated the one and twentieth day of *May*, in the eleventh of his Majeſties raigne, and the other dated the one and thirtieth day

of *January*, in the ſame yeare, thereby preſcribing and injoyning the working of Flaxe into Yearne and Thread, and the ordering of the ſame in ſuch wayes wherein the Natives of that Kingdome were unpractiſed and unskilfull: which Proclamations ſo iſſued, were by his Commands and Warrants to his Majeſties Juſtices of Peace, and other officers, and by other rigorous meanes put in execution, and the Flaxe wrought or ordered in other manner than as the ſaid Proclamation preſcribed, was ſeized and employed to the uſe of him and his agents, and thereby the ſaid Earle endeavoured to gaine, and did gaine in effect the ſole ſale of that native commodity.

15 That the ſaid Earle of *Strafford*, by Proclamation dated the ſixteenth of *October*, in the fourteenth yeare of his Majeſties Raigne, did impoſe upon the Owners, Maſters, Purſers, and Boat-ſwaines of every ſhip, a new and unlawfull Oath, *viz.* that they (two or more of them) immediately after the arrivall of any ſhip within any Port or Creek in the ſaid Kingdom of *Ireland*, ſhould give in a true in-voyce of the outward bulke of Wares and Merchandiſes and number of goods, and the qualities and condition of the ſaid goods, as farre as to them ſhould bee knowne, the names of the ſeverall Merchants proprietours of the ſaid goods, and the places from whence they were fraughted, and whither they were bound to diſcharge: which Proclamation was accordingly put in execution, and ſundry perſons enforced to take the ſaid unlawfull Oath.

15 *That the ſaid Earle of* Strafford *trayterouſly and wickedly deviſed and contrived by force of Armes in a warlike manner to ſubdue the ſubjects of the ſaid Realme of* Ireland, *to bring them under his tyrannicall power and will*, and in purſuance of his wicked and trayterous purpoſes aforeſaid, the ſaid Earle of *Strafford* in the eighth yeare of his Majeſties reigne, did by his owne authority, without any warrant or colour of Law, taxe

and

and impoſe great ſummes of money upon the Townes of *Baltemore*, *Bandenbridge*, *Talowe*, and divers other Townes and places in the ſaid Realme of *Ireland*, and did cauſe the ſame to bee leavied upon the inhabitants of thoſe Townes by troopes of Souldiers, with force and armes, in a warlike manner. And on the ninth day of *March*, in the twelfth yeare of his now Majeſties Reigne, trayterouſly did give authority unto *Robert Savile*, a Sarjeant at Armes, and to the Captains of the Companies of ſouldiers, in ſeverall parts of that Realm, to ſend ſuch numbers of ſouldiers to lye on the lands and houſes of ſuch as would not conforme to his orders untill they ſhould render obedience to his ſaid orders and warrants, and after ſuch ſubmiſſion (and not before) the ſaid Souldiers to returne to their Garriſons. And did alſo iſſue the like Warrants unto divers others, which Warrants were in warlike manner, with force and armes put in execution accordingly, and by ſuch warlike meanes did force divers of his Majeſties Subjects of that Realme, to ſubmit themſelves to his unlawfull commands.

And in the ſaid twelfth yeare of his Majeſties reigne, the ſaid Earle of *Strafford* did trayterouſly cauſe certaine troops of Horſe and Foot, armed in warlike manner, and in warlike aray, with force and Armes to expell *Richard Butler* from the poſſeſſion of *Caſtle-Cumber*, in the Territory of *Idough*, in the ſaid Realme of *Ireland*, and did likewiſe and in like warlike manner, expell divers of his Majeſties Subjects from their houſes, families, & poſſeſſions, as namely *Ed. Brenman*, *Owen Oberman*, *Patrick Oberman*, Sir *Cyprian Horsfield*, & divers others, to the number of about an hundred families, and took and impriſoned them and their wives, and carryed them priſoners to *Dublin*, and there detained them untill they did yield up, ſurrender, or releaſe their reſpective eſtates and rights.

And the ſaid Earle in like warlike manner hath during his government of the ſaid Kingdome of Ireland, *ſubdued divers others of his Majeſties Subjects eaſily to his will, and thereby, and by the meanes aforeſaid, hath levied warre within the ſaid Realm againſt his Majeſty, and his liege people of that Kingdome.*

16 That the ſaid Earle of *Strafford*, the two and twentieth of *February*, in the ſeventh yeare of his now Majeſties Reigne, intending to oppreſſe the ſaid ſubjects of Ireland, *did make a propoſition, and obtained from his Majeſtie an allowance, that no complaint of injuſtice or oppreſſion done in* Ireland, *ſhould be received in* England *againſt any, unleſſe it firſt appeared, that the party made firſt his addreſſe to him the ſaid Earle: and the ſaid Earle having by ſuch uſurped, tyrannicall, and exorbitant power, expreſſed in the former Articles, deſtroyed the Peeres and other Subjects of that Kingdome of* Ireland, *in their Lives, Conſciences, Land, Liberties, and Eſtates, the ſaid Earle to the intent the better to maintaine and ſtrengthen his power, and to bring the people into a diſaffection of his Majeſtie, as aforeſaid, did uſe his Majeſties name in the execution of his ſaid power.*

And to prevent the Subjects of that Realme of all meanes of complaints to his Majeſty, and of redreſſe againſt him and his agents, did iſſue a Proclamation, bearing date the ſeventeenth day of Septmber, in the eleventh yeare of his Majeſties Reigne, thereby commanding all the Nobility, undertakers, and others who held eſtates and offices in the ſaid Kingdome, (except ſuch as were imployed in his Majeſties ſervice, or attending in England by his ſpeciall command) to make their perſonall reſidence in the ſaid Kingdome of Ireland, *and not to depart thence without licence of himſelfe.*

And the ſaid Earle hath ſince iſſued other Proclamations to the ſame purpoſe, by meanes whereof the Subjects of the ſaid Realme are reſtrained from ſeeking reliefe againſt the oppreſſi-

eppreſſions of the ſaid Earle, without his licence: which Proclamation the ſaid Earle hath by ſeverall rigorous wayes, as by fine, impriſonment, and otherwiſe, put in execution on his Majeſties Subjects; as namely, one — Parry and others, who came over onely to complain of the exorbitances and oppreſſions of the ſaid Earle.

17 That the ſaid Earle having by ſuch meanes as aforeſaid, ſubverted the Government and Lawes of the Kingdome of *Ireland*, did in March in the ſixteenth yeare of his Majeſties Reigne, *inſcandall of his Majeſty, of all his Kingdomes, and in further Execution of his wicked purpoſes aforeſaid, ſpeaking of the Armies in Ireland, declare, that his Majeſty was ſo well pleaſed with the Army of* Ireland, *and the conſequence thereof, that his Majeſty would certainly make the ſame a patterne for all his three Kingdomes.*

18 That the ſaid Earle of Strafford, for the better effecting of his traiterous deſignes, and wicked purpoſes, *did indevour to draw dependency upon himſelfe of the Papiſts in both Kingdomes of* England *and* Ireland, *and to that end during the time of government in* Ireland, *he reſtored divers* Frieries, *and Maſſe-houſes, (which had beene formerly ſuppreſſed by precedent Deputies of that Kingdome, two of which houſes were in the City of* Dublin, *and had beene aſsigned to the uſe of the Univerſity there) to the pretended owners thereof, who have ſince imployed the ſame to the exerciſe of the Popiſh Religion.*

And in the Moneth of *May* and *June* laſt, the ſaid Earle did raiſe an Armie in the ſaid Realme of *England* conſiſting of eight thouſand foot, all of which, except one thouſand, or thereabouts, were Papiſts, and the ſaid one thouſand were drawne out of the old Army there, conſiſting of two thouſand foote, and in their places there were a thouſand Papiſts, or thereabouts put into the ſaid old Army by the ſaid Earle.

And the more to ingage and tye the new Army of Papiſts to himſelfe, and to incourage them, and to diſcourage and weare out the old Armie, the ſaid Earle did ſo provide; That the ſaid new Army of Papiſts were duly payed, and had all neceſſaries provided for them, and permitted the exerciſe of their Religion; but the ſaid old Army were for the ſpace of one whole yeare and upwards unpaid.

And that the ſaid Earle being appoynted a Commiſſioner with eleven ſeverall Counties in the Northern parts of England, *for compounding with Recuſants for their forfeitures due to his Majeſty*; which Commiſſion beareth date the eighth day of *July*, in the fifth yeare of his Majeſties Reigne that now is, and being alſo Receiver of the Compoſition Money thereby ariſing, and of other debts, Duties, and penalties for his Majeſties uſe, by Letters Patents dated the 9. day of the ſaid *July*: he, to engage the ſaid Recuſants to him, *did compound with with them at low and under rates, and provided, that they ſhould bee diſcharged of all proceedings againſt them, in all his Majeſties Courts, both temporall and Eccleſiaſticall, in manifeſt breach of, and contrary to the Lawes and Statutes of this Realme, in that behalfe eſtabliſhed.*

19 *That the ſaid Earle having taxed and levied the ſaid impoſitions, and raiſed the ſaid Monopolies, and committed the ſaid oppreſſions in his Majeſties name, and as by his Majeſties Royall command, he the ſaid Earle in May the* 15 *yeare of his Majeſties* Reigne, *did of his owne authority contrive and frame a new and unuſuall oath, by the purport whereof among many other things, the party taking the ſaid oath, was to ſweare that he ſhould not proteſt againſt any of his Majeſties royall commands, but ſubmit themſelves in all obedience thereunto. Which oath he ſo contrived to enforce the ſame on the ſubjects of the Scottiſh Nation, inhabiting in Ireland, and out of a hatred to the ſaid Nation,*

and

and to put them to a diſcontent with his Majeſty, & his go-vernment there, and compelled divers of his Majeſties ſaid ſubjects there to take the ſaid oath, ſome he grievouſly fined and impriſoned, and others he deſtroyed and exiled, and namely the 10 of October, Anno Dom. 1639. *He fined* Henry Steward *and his wife, who refuſed to take the ſaid oath, 5000 pounds a piece, and their 2. daughters and* Iames Gray, *5000. pounds a piece, and impriſoned them for not paying the ſaid fines. The ſaid* Henry Stewards *wife and daughters, and* Iames Gray, *being the Kings liege people of the Scottiſh Nation, and divers others he uſed in like manner, and the ſaid Earle upon that occaſion did declare, that the ſaid oath did not onely oblige them in point of allegiance to his Majeſty, and acknowledgement of his Supremacie only, bnt to the Ceremonies and governement of the Church eſtabliſhed; or to be eſtabliſhed by his Majeſties Royall authoritie; and ſaid, that the refuſers to obey, he would proſecute to the blood.*

20 *That the ſaid Earle in the* 15. *and* 16. *yeares of his Majeſties Reigne, and divers yeares paſt, laboured and endevoured to beget in his Majeſtie an ill opinion of his ſubjects, namely, thoſe of the Scottiſh Nation, and diverſe and ſundry times, and eſpecially ſince the Pacification made by his Majeſtie with his ſaid Subjects of Scotland in Summer, in the* 15 *yeare of his Majeſties Reigne; he, the ſaid Earle did labour and endeavour to perſwade, incite, and provoke his Majeſtie to an offenſive warre againſt his ſaid Subjects of the Scottiſh Nation: And the ſaid Earle, by his counſell, actions, and endeavours, hath beene and is a principall and chiefe incendiary of the warre and diſcord betweene his Majeſtie and his Subjects of England, and the ſaid Subjects of Scotland, and hath declared and adviſed his Majeſty, that the demand made by the Scots in this Parliament were a ſufficient cauſe of warre againſt them*

The ſaid Earle having formerly expreſſed the height & rancor

rancor of his minde towards his Subjects of the Scottish Nation, viz. the tenth day of October, in the 15. yeare of his Majesties Reigne, he said that the Nation of the Scots were rebels, and traytors, and hee beeing then about to come to England, he then further said, that if it pleased his Master (meaning his Majesty) to send him backe againe, hee would root out of the said Kingdome (meaning the Kingdom of Ireland) the Scottish Nation both root and branch.

Some Lords and others, who had taken the said oath in the precedent Article onely excepted: and the sayd Earle hath caused divers of the said ships and goods of the Scots to bee stayed, seized, and molested, to the intent to set on the said warre.

21. That the said Earle of Strafford, shortly after his speeches mentioned in the last precedent Article, to wit, in the fifteenth yeare of his Majesties Reigne, came into this Realme of England, and was made Lord Lieutenant of Ireland, and continued his government of that Kingdome by a Deputy: At his arrivall here, finding that his Majestie with much wisedome and goodnesse had composed the troubles in the North, and had made a Pacification with his Subjects of Scotland; he laboured by all meanes to procure his Majesty to breake that Pacification, incensing his Majesty against his Subjects of that Kingdome, and the proceedings of the Parliament there.

And having incensed his Majestie to an offensive war against his said Subjects of Scotland, by Sea and by Land, and by pretext thereof, to raise Forces for the maintenance of that war, he counselled his Majesty to call a Parlament in England, yet the said Earle intended, if the said proceedings of that Parliament should not be such as would stand with the said Earle of Straffords mischievous designes he would then procure his Majestie to breake the same; and by wayes of force and power, to raise monies upon the said subjects of this Kingdome.

And for the incouragement of his Majestie to hearken

to

to his advice, he did before his Majeſty and his privie Counſell, then ſitting in Counſell, make a large Declaration, that he would ſerve his Majeſty in any other way, in caſe the Parliament ſhould not ſupply him.

22 *That in the moneth of March, before the beginning of the laſt Parliament, the ſaid Earle of* Stafford *went into* Ireland, *and procured the Parliament of that Kingdome to declare their aſſiſtance in a war againſt the Scots. And gave directions for the raiſing of an Army conſiſting of* 8000. *foot, and* 1000. *horſe, being for the moſt part Papiſts, as aforeſaid. And confederating with one Sir* George Ratcliffe, *did together with him the ſaid Sir* George, *traytorouſly conſpire to employ the ſaid Army for the ruine and deſtruction of the Kingdome of England, and of his Majeſties Subjects, and of altering and ſubverting of the fundamentall Laws of this Kingdome.*

And ſhortly after, the ſaid Earle of Strafford *returned into Englann, and to ſundry perſons declared his opinion to be,* that his Majeſty ſhould firſt try the Parliament here, and if that did not ſupply him according to his occaſions, he might uſe them his Prerogative as he pleaſed, to levie what he needed, and that he ſhould be acquitted both of God and man, hee tooke ſome other courſes to ſupply himſelfe, though it were againſt the will of his Subjects.

23. *That upon the thirteenth day of Aprill laſt, the Parliament of* England *met, and the Commons houſe (then being the repreſentative Body of all the Commons in the Kingdome) did according to the truſt repoſed in them, enter into debate and conſideration of the great grievances of of this Kingdome, both in reſpect of Religion, and the publike libertie of the Kingdome, and his Majeſtie referring chiefly to the Earle of* Strafford, *and the Archbiſhop of* Canterbury, *the ordering and diſpoſing of all matters concerning the Parliament: He the ſaid Earle of* Strafford, *with*

the aſſiſtance of the ſaid Archbiſhop, did procure his Majeſty by ſundry ſpeeches and meſſages, to urge the ſaid Commons houſe to enter into ſome reſolution for his Majeſties ſupply, for maintenance of his warre againſt his Subjects of Scotland, *before any courſe was taken for the reliefe of the great and preſſing grievances, wherewith this Kingdome was then afflicted. Whereupon, a demand was then made from his Majeſty, of* 12. *Subſidies, for the releaſe of ſhip-money only; and while the ſaid Commons then aſſembled (with expreſſions of great affection to his Majeſtie and his ſervice) were in debate and conſideration of ſome ſupply, before reſolution by them made, he the ſaid Earle of* Strafford, *with the helpe and aſſiſtance of the ſaid Archbiſhop, did procure his Majeſty to diſſolve the laſt Parliament, upon the* 5 *day of May laſt: and upon the ſame day the ſaid Earle of* Strafford *did treacherouſly, falſely, and maliciouſly endeavour to incenſe his Majeſty againſt his loving & faithfull Subjects, who had been members of the ſaid houſe of Commons, by telling his Majeſty, they had denyed to ſupply him. And afterward upon the ſame, did treacherouſly and wickedly counſell and adviſe his Majeſty to this effect,* viz. that having tryed the affections of his people, he was looſe and abſolved from all rules of government, and was to doe every thing that power would admit, and that his Majeſty had tryed all ways and was refuſed, and ſhould be acquitted both of God and man; & that he had an Army in Ireland (meaning the Army above mentioned, conſiſting of Papiſts, his dependants as is aforeſaid) which he might imploy to reduce this Kingdome to obedience.

24 That in the ſame month of *May*, *he the ſaid Earl of* Strafford, *falſly, treacherouſly, and maliciouſly, publiſhed and declared before others of his Majeſties Privie Counſell, that the Parliament of* England *had forſaken the King, and that in denying to ſupply the King, they had given him the advantage to ſupply himſelfe by other wayes:*

and

and divers other times he did malicioufly, wickedly, and falfely publiſh and declare, that ſeeing the Parliament had refuſed to ſupply his Majeſty in the ordinary and uſuall way, the King might provide for the Kingdome in ſuch waies, as he ſhould hold fit, and that he was not to ſuffer himſelfe to be maſtered by the frowardneſſe of the people.

And having ſo malicioufly ſlandered the ſaid houſe of Commons, he did with the helpe and advice of the ſaid Archbiſhop of Canterbury *and the Lord* Finch, *late Lord Keeper of the great Seal of* England: *cauſe to be printed, and publiſhed in his Majeſties name, a falſe and ſcandalous book entituled,* his Majeſties Declaration *of the cauſes that mooved him to diſſolve the laſt Parliament, full of bitter and malicious invectives, and falſe, and ſcandalous aſperſions againſt the ſaid houſe of Commons.*

25 That not long after the diſſolution of the ſaid laſt Parliament, (*viz.* In the moneths of *May* and *June*) he the Earle of *Strafford, did adviſe the King to goe on rigorouſly in leavying the Ship-money, and did procure the Sheriffes of ſeverall Countries to be ſent for for not leavying the Ship-money, divers of which were threatned by him to be ſued in the Starre-Chamber, and afterwards by his advice were ſued in the Star-chamber, for not leavying the ſame, and divers of his Majeſties loving Subjects were ſent for and impriſoned by his advice, about that and other illegall payments.*

And a great loane of a hundred thouſand pounds was demanded of the City of London, and the Lord Major, and the Aldermen and the Sheriffes of the ſaid City, were often ſent for by his advice to the Councell Table, to give an account of their proceedings in raiſing of Ship money, and furthering of that loane, and were required to certifie the names of ſuch Inhabitants of the ſaid City as were fit to lend, which they with much humility refuſing to doe, he the

ſaid Earle of Strafford *did uſe theſe or the like ſpeeches: viz.* That they deſerved to be put to Fine and Ranſom, and that no good would be done with them, till an example were made of them, and they were laid by the heeles, and ſome of the Aldermen hanged up.

26 *That the ſaid Earle of* Strafford *by his wicked Counſell having brought his Majeſty into exceſſive charges without any juſt cauſe, he did in the month of July laſt (for the ſupport of the ſaid great charges) counſell and approve two dangerous and wicked Projects: viz.*

To ſeize upon the Bullion, and the money in the Mint.

And to imbaſe his Majeſties Coyne with the mixtures of Braſſe.

And accordingly we procured one hundred and thirty thouſand pounds which was then in the Mint, and belonging to divers Merchants, Strangers, and others, to bee ſeized on, and ſtayed to his Majeſties uſe. And when divert Merchans of *London*, owners of the ſaid Bullion, came to his houſe to let him underſtand the great miſchefe, that courſe would produce here, and in other parts, what prejudice it would bee to the Kingdome, by diſcrediting the Mint, and hindring the importation of Bullion: hee the ſaid Earle told them, that the City of *London* dealt undutifully and unthankfully with his Majeſty; and that they were more ready to helpe the Rebell than to helpe his Majeſty: and that if any hurt came to them, they may thank themſelves: and that it was the courſe of other Princes to make uſe of ſuch monies to ſerve their occaſions.

And when in the ſame Moneth of July, *the Officers of his Majeſties Mint came to him and gave him divers reaſons againſt the imbaſing the ſaid money, hee told them that the French King did uſe to ſend Commiſſaries of Horſe with Commiſſion to ſearch into mens eſtates, and to peruſe their accounts, ſo that they may know what to levie*

of

of them by force, which they did accordingly leavie: and turning to the Lord Cottington, *then preſent, ſaid;* That this was a poynt worthy his Lordſhips conſideration.

27 *That in or about the Moneth of* August *laſt he was made Lieutenant Generall of all his Majeſties Forces in the Northerne parts againſt the Scots, and being at* York, *did in the Moneth of* September *by his owne authority, and without any lawfull warrant, impoſe a Taxe on his Majeſties Subjects in the County of* Yorke *of eight pence* per diem, *for maintenance of every Souldier of the Trayned bands of that County, which Summes of money hee cauſed to bee leavied by force. And to the end to compell his Majeſties Subjects out of feare and terrour to yeeld to the payment of the ſame, He did declare that hee would commit them that refuſed the payment thereof, and the Souldiers ſhould be ſatisfied out of their eſtates; and they that refuſed it, were in very little better condition than of High Treaſon.*

28 *That in the Moneth of* September *and* October *laſt, he the ſaid Earle of* Strafford, *being certefied of the Scottiſh Army comming into the Kingdome, and hee the ſaid Earle of* Strafford *being Lieutenant Generall of his Majeſties Armie, did not provide to the defence of the Towne of* New-Caſtle, *as he ought to have done. but ſuffred the ſame to be loſt, that ſo hee might the more incence the Engliſh againſt the Scots.*

And for the ſame wicked purpoſe, and out of a malicious deſire to ingage the Kings kingdoms of England *and* Scotland *in a Nationall and bloody Warre, he did write to the Lord* Conway *the Generall of the Horſe, and under the ſaid Earles command, that hee ſhould fight with the Scottiſh Army at the paſſage over the Tyne, whatſoever ſhould follow; notwithſtanding that the ſaid Lord* Conway *had formerly by Letters informed him the ſaid Earle, that his Majeſties Armie then under his command, was not of force ſufficient to encounter the Scots, by which advice*

of

of his, hee did contrary to the duty of his place betray his Majeſties Armie then under his command, to apparent danger and loſſe.

All and every which Words, Counſells and Actions of the ſaid Earle of Strafford *traiterouſly and contrary to his allegeance to our Soveraigne Lord the King, and with an intention and endeavour to alienate and withdraw the hearts and affections of the Kings Liege people of all his Realmes from his Majeſty, and to ſet a diviſion betweene them, and to ruine and deſtroy his Majeſties ſaid Kingdomes. For which they doe further impeach him the ſaid* Thomas, *Earle of* Strafford *of High Treaſon againſt our Soveraigne Lord the King, his Crowne and Dignity.*

The

The Earle of *Briſtowes* Speech, the 7th of *Decemb.* 1640.

MAY this dayes Reſolution be as happy as the Propoſition (which now moves me to riſe) ſeaſonable and neceſſary: for whether wee ſhall looke upon the King or the people, it did never more behoove us, the great Phyſitian the Parliament, to effect a true conſent towards all parts, than now: This debate carries with it a double aſpect, towards the Soveraigne, and towards the Subject; though both innocent, both injured, both to be cured.

In the repreſentation of Injuries, I ſhall crave your attention: In the Cures, I ſhall beſeech your equall cares, and better Iudgements: ſurely in the greateſt humility I ſpeake it, their illegall wayes are works and puniſhments of indignation.

The raiſing of Leavies, ſtrengthened by Commiſſion, with un-heard of inſtructions, the billiting of Souldiers, and by Lieutenants, and their Deputies, without leave have beene as if they would have perſwaded Princes (nay worlds) the right of Empire had beene had to take away what they pleaſe by ſtrong hands; and they have endeavoured as farre as it was poſſible for them to doe it.

This hath not beene done by the King under the pleaſing ſhade of whoſe Crowne I hope we ſhall ever gather the fruits of Iuſtice, but the Projectors have extended the Prerogative of the King beyond the limits, which mars that ſweete harmony.

They

They have rent from us the light of our eyes, enforced Companies of gueſts upon us, worſe than the Ordinary of France, vitiated of wives and daughters before our faces, brought the Crowne to greater want, than ever it was by anticipating the Revenue: And can the ſhepheard be thus ſmitten, and the ſheepe not ſcattered?

They have introduced a Privie Councell, raviſhing at once the ſpheares of all ancient government, impriſoning without Bayle or Bond. They have taken from us: what ſhall I ſay? indeed what have they left us? All meanes of ſupplying the King, and ingratiating our ſelves with him, taking the rootes of all propriety; which if it be ſeaſonably ſet into the ground by his owne hand, we ſhall have inſtead of beauty baldneſſe.

To the making of them whole, I ſhall apply my ſelfe, and propound a remedy to all theſe diſeaſes by one and the ſame thing: Hath King and People beene hurt, and by one and the ſame thing muſt they be cured; to vindicate what? new things? no our ancient ſober vitall libertie, by reinforming our ancient Lawes, made by our Anceſtors, by ſetting ſuch a Charter upon them as no licentious ſpirits ſhould dare hereafter to enter upon them: And ſhall wee thinke that a way to breake a Parliament? no, our deſires are modeſt and juſt; I ſpeake truely both for the intereſt of the King and people; if we enjoy not this, it will bee impoſſible to relieve him: Therefore let us feare they ſhall not bee accepted by his goodneſſe.

Therefore I ſhall diſcend unto my motions, which conſiſts of foure parts, two of which have relation to the perſons, two to the properties of goods. For the perſons, the freedome of them from impriſonment and from imployment abroad, contrary to the ancient cuſtomes: for our goods, that no leavies be made but in Parliament.

Secondly, no billiting of Souldiers.

It

It is moſt neceſſary that theſe be reſolved, that the ſubject be ſecured in both: Then the manner in the ſecond place be fit to determine it by a grand Committee.

Mr. MAINARDS Speech before both Houſes in Parliament, on *Wedneſday* 24th. of *March*, in reply upon the Earle of *Straffords* anſwer to his Articles at the Barre.

My Lords,

I Shall repeat little of that which hath beene ſaid, onely this; That whereas my Lord of *Strafford* did anſwer to many particulars; yet hee did not anſwer to that which was particularly objected againſt him; that is, that you were to heare the complaints of the whole Kingdome: now the particular of our aime, is to take off the vizard, which my Lord hath put on; wherein the truth and honour which is due to his Majeſtie, he would attribute to himſelfe.

My Lords, there is one thing which I deſire your Lordſhips to remember, it being the maine of our complaints.

The alteration of the face of government, and traducing of his owne Lawes ; and this is the burthen upon all the Lords and Commons of Ireland. *Concerning the breach of Parliament, he would put it on Sir* George Ratcliffe ; *but I'me sure, he cannot put off himselfe : for Sir* George Ratcliffe *was not the man alone, but others joyned with him in that Assembly , and I am sure my Lord of* Strafford *moved it for the breach of Parliament.*

I shall addresse my selfe to the body of his answere : Now give me leave my Lords, that I may open the nature of this great offence.

My Lords , *it is a charge of Treason, which is a Treason not ended , or expired by one single Act ; but a trade enured by this Lord of* Strafford, *ever since the Kings favor hath been bestowed upon him.*

My Lords, it hath two parts: to deprive us that which was good. And secondly , to bring in a Tyrannicall government , it takes away the Lawes of the Land, and it hath an arbitrary governement , bounded by no law, but what my Lord of Strafford *pleaseth.*

It is the law , my Lords, which we reverence, and cheerefully render to our gracious Soveraigne : The Law as it is the ground of our libertie , so it is the distribution of Justice.

My Lords , in all this , my Lord of Strafford hath endeavoured to make them uncapable of any benefit : it is true my Lords ; that Treason against the person of a Prince is high Treason, and the highest Treason that can be to man; but it falls short of this Treason against the State.

When blessed King Iames *was taken to heaven, he commended the lawes to his sonne, our gracious Soveraigne. But my Lords, if such a design as this should take effect, that the law of Iustice should be taken from the Throne, we are without hope of ever seeing happy dayes: power is not so easily laid downe, unlesse it be by so good and just a Prince as we have.*

My Lord of Straffords *accusation is conveyed into twen-*

ty eight Articles, and I ſhall but touch the heads, that wee ſhall inſiſt upon, and I thinke the beſt way to this, is to conſider what he did before he went into Ireland, *what then, and what ſince.*

He hath encroached juriſdiction where none was, taking upon him a power to repell the lawes, and to make new lawes, and in domineering over the lives and goods, and what ever elſe was the ſubjects.

My Lords, this he hath not done onely upon the meaner ſort, but upon the Peeres and auncient Nobilitie, and what may your Lordſhips expect, but the ſame meaſure at his hands here, as they have found there when he committed any to priſon: if a Habeas Corpus *were granted; the Officers muſt not obey, and if any Fine were put upon the Officer, for refuſing them, there was a command that he ſhould bee diſcharged: ſo that he did not onely take power to himſelfe, but the Scepter of Iuſtice out of the Kings hand.*

When he was a member of the houſe of Commons, it was his owne motion, all Miniſters of ſtate ſhould ſerve the King, according to the lawes which he hath broken himſelfe.

He doth as much as ſay, that Fines ſhall not be payed by Officers, if in this they fulfill his commands, but thoſe that releaſe a priſoner upon a Habeas Corpus *ſhall finde his diſpleaſure.*

My Lords, if this had been a ſingle Act, we ſhould not have accuſed him of high Treaſon, but this hath beene his common courſe, and this we preſent to your Lordſhips conſideration.

The next thing is, that in the North *the people attending for Iuſtice, you ſhall ſee what a diſhonour he flung upon the ſacred Majeſtie of the King, that did advance him: ſome of the Iuſtices (ſaith he) are all for Law, but they ſhall finde that the Kings little finger is heavier then the Loynes of the Law.*

My Lords, what a ſad ſpeech was this, and what ſad Ac-

cidents happened upon it, you all know, and he ſaid in a ſolemne ſpeech; That Ireland was a conquered Nation, and that the King might do with them what he would, their Charters were nothing worth, they did binde the King no longer then he pleaſed. Surely you may ſee what hee would do if he had power, but we hope never ſuch counſell ſhall have acceptation in ſo gracious an Eare as our Soveraignes, and he doth not ſtay in words, but proceeds to Actions, when a Peere of the Kingdome was expelled the Kingdome for ſuing at Law for recovering of his Right, he ſaith, he would have Ireland know that neither Law nor Lawyers ſhould queſtion any thing that he ordered.

My Lords, he goes higher, for when there was an occaſion to ſpeake of an Act of State, *he ſaid it ſhould bee as binding as an Act of Parliament.*

My Lords, he cannot goe higher then this, hee tells them in Parliament; *they were a Conquered Nation, and they muſt expect the uſage of a Conquered Nation.*

The Lord *Mountnorris* for a few words that fell from his mouth ſpoken privately at his Table, had a Counſell of warre called againſt him and was judged to death.

My Lords, it is no marvaile that he ſaie; *That the Kings little finger ſhould be ſo heavie, when his little toe was ſo heavie to tread downe a Peere under his foote.*

My Lords, he makes Lawes of himſelfe, and hee makes a difference in matters of Iuſtice betweene the poore and the rich, but when he hath executed his power upon the poore, he will fall upon the rich.

My Lords, he hath made that which was worth but five ſhillings to the value of twenty, and my *Lords*, by this he doth in effect take away what ere this commoditie is worth, he ſaith he doth it for the Kings gaine, but we ſhall make it appeare, that the Crowne hath loſt, and he hath gained.

And for the Commodity of Flax *my Lords*, it is but a

Womans

Womans Commodity, but yet it is the ſtaple Commodity of *Ireland*.

Now *my Lords*, this Commodity he hath gotten wholly into his owne hands, for he made ſuch a Proclamation, that it ſhould be uſed in ſuch wayes as the Women could not doe it, and if it were not uſed in ſuch ways, that it ſhould bee ſeiſed upon, no he doth not onely put impoſitions upon the Subject, but take away the goods too, and thus he hath levyed warre againſt the Kings Subjects, and this is his courſe, that if a Decree were made by him and not obeyed, there iſſued a warrant to Souldiers, that they ſhould make Garriſon, and that they ſhould goe to the houſes of thoſe that were pretended to be diſobedient.

My Lords they have killed their ſheep and their Oxen, and bound their horſes and took them Captives till they have rendered obedience, which is expreſſely contrary to Law, for it ſaith; *If any man ſet horſe or foot upon the Kings Subject, in a Military way, it is high Treaſon.*

My Lords, it doth not onely oppreſſe them in their eſtates, but provoke and incite his Majeſty to lay downe his mercy and goodneſſe, and to fall into an offenſive war againſt his Subjects, and to ſay they are Rebels and Traytors.

He tels his Counſell that the Parliament having forſaken the King, and the King having tryed the Parliament, hee might uſe other wayes to procure money to ſupply his neceſſities.

My Lords, the ſame day that the Parliament was broken, he tels the King, he had 8000. foot and 1000. horſe to reduce this Kingdome to obedience.

My Lords, conſider in what a ſad time this man tooke to infuſe this ſad Counſell into the Kings eare.

My Lords, he doth adviſe the King that he was abſolved from all rules of government, but if no rule of government, what rule of obedience; Surely he meant to reduce us to a *chaos* and confuſion, &c. would have us without all rule of government or obedience.

My Lords, thoſe that he would have brought to reduce us were Papiſts, Enemies of our Religion. This ſtrikes us neer my Lords, and is the griefe of our hearts; *that an Iriſh army ſhould be brought into England to reduce us.*

My Lords, I hope we were nere ſo far gone, as to need an army to reduce us to obedience.

My Lords, he had raiſed this Army, and if ſuch Counſell had taken effect in his Majeſties eare, he, like proud *Haman*, would have thought to have been Generall of the Army.

And thus *my Lords*, you ſee this Lord of *Strafford* falls upon a Counſell, which might make an irreconcileable difference to ſubdue us by his power.

The Earle of *Briſtowes* Speech in the High Court of *Parliament* upon the delivering of by him the Scottiſh Remonſtrance and Schedule of their charges.

OUr Anceſtors were accuſtomed to heare prōpoſitions in an other manner.

We repreſent unto you a very diſtreſſed eſtate, ſad tidings and diſhonourable to our Nation.

That we ſhould ſuffer our Countrey to relieve an Army that is come againſt us.

This may ſeeme to withdraw from the greatnes and honor of this Nation, but I am ſorry it ſhould be thought a Nationall diſhonour as the caſe now ſtandeth.

But *I* wiſh it may light upon thoſe that have been the ill inſtruments, by their imprudent Counſells to bring this Kingdome into ſuch an unhappy buſineſſe, that hath produced miſerable effects and Calamities.

But let us labour to build the honour of this Nation, and if ill and wicked men have brought this great diſhonour, great let the honour be when a ſtate *is* ſo diſtreſſed, by wiſdom and

and prudence to relieve it.

I doe remember when the Common-wealth of *Rome* was in great diſtreſſe, after the great Battayle of *Cannæ*, they gave thankes that the Counſell did not deſpaire of the ſafety of the Common-wealth, and me thinkes there is no cauſe to deſpair, If thoſe ill Counſels and ill ways have brought us to this Calamity, ſhall hereafter bee turned to wiſe, prudent and ſetled wayes, if God may ſo bleſſe us that we again prove happy, for this Nation, the ſtrength and Scituation of it would hardly be brought to this condition, were it not for want of Vnity, and for diſcord among our ſelves.

When a happie Vnitie among our ſelves, I doubt not to ſee the honour of this Nation ſet vp againe by the wiſedome of his Majeſty and prudent endeavour of this aſſembly, this whole *Monarchy* once reunited, I meane the 3. Kingdomes, will render us very conſiderable abroad.

His *Majeſty* hath granted our brethren in *Scotland* their demands in matter of Religion and liberty, and doubt not but with humility and duty may likewiſe obtaine what wee ſhall deſire concerning religion and libertie graciouſly from his *Majeſties hands*.

And I am moſt confident his *Majeſtie* may expect from us all that duty, affection and aſſiſtance as he hath juſt cauſe to expect from good people.

If God ſhall bleſſe us and this whole Monarchy with unity, love and concord, certainly theſe great Armies that do now trouble us, and are ready to offend one an other, may ſhew a capability with united mindes and well deſigned to effect great matters, and may by unity of Counſell raiſe us up againe in the world to a good eſtimation, and as great an honour as ever. I hope God will bleſſe us with good Counſells, and that the King as a gracious good and prudent Prince, and all his Subjects joyning in this way, no doubt but God will bring us againe to a convenient condition of conſiſtancie, yea ſince our armies are vnited under one King and Nation, and in one Iland from a ſtate gaſping it will bee eaſie thence to bring us to a condition of proſperity: therefore let us procure and

maintaine

maintaine a good correſpondency amongſt our ſelves, and for the propoſition, it much ſtarted us at firſt, but I muſt ſay thus much.

That where wars have fallen between Nations, it is not unlawfull nor great diſhonour to let men part upon reaſonble conditions, though with good conſideration our Kings paſſed many times into *France*, and returned with recompence, but this a friendly demonſtration, of one Nation to another there is great difference in point of honour, if we conſider the ſtate wherein wee now are, two Armies in the field, and conſider it was not through our default, nor the fault of the Kingdome, that we are brought into theſe calamities.

The Inſtruments will bee made an example, and the diſhonour will light upon them, and then certainly we doe conceive a wiſe and prudent Senate, to apply themſelves to ſome things by neceſſity is no diſhonour.

A State lying gaſping and bleedingto reſtore it is an eſſentiallpart of honour.

This is that I had in command to ſay unto you.

The Speech

His Majeſties Speech to both the Houſes of Parliament,

February 3. 1640.

HAving taken into my ſerious conſideration the late Remonſtrance made unto mee by the Houſe of Parliament, I give you this anſwer,

That I take in good part your care of the true Religion eſtabliſhed in this Kingdome, from which I will never depart, as alſo for the tenderneſſe of my ſafety, and ſecurity of this State and Government: It is againſt my minde, that Popery or Superſtition ſhould any way encreaſe within this Kingdome, and will reſtraine the ſame by cauſing the Laws to be put in execution.

I am reſolved to provide againſt the Jeſuites and Papiſts, by ſetting forth a Proclamation with all ſpeed, commanding them to depart the Kingdome within one Moneth, which if they faile, or ſhall returne, then they ſhall be proceeded againſt according to the Lawes.

Concerning *Reſettie*, I give you to underſtand, that the Queene hath alwayes aſſured me, that to her knowledge hee hath no Commiſſion, but onely to entertaine a perſonall correſpondence betweene her and the Pope, in things requiſite for the Exerciſe of her Religion, which is warranted to her by the Articles of Marriage, which give her a full Liberty of Conſcience; yet I have perſwaded her, that ſince the miſunderſtanding of the Perſons condition gives offence, ſhee

will within a convenient time remove him.

Moreover, I will take a ſpeciall care to reſtraine my Subjects from reſorting to Maſſe at *Denmark* houſe, St. *James*, and the Chappell of Ambaſſadors.

Laſtly, concerning *John Goodman* the Prieſt, I will let you know the reaſon why I reprived him, that as I am informed, neither Queene *Elizabeth*, nor my Father did ever avow, that any Prieſt in their times was executed meerely for Religion, which to me ſeemes to be this particular caſe, yet ſeeing that I am preſſed by both Houſes, to give way to his, becauſe I will avoid the inconveniencie of giving ſo great diſcontent to my people, as I conceive this Mercy may produce, therefore I doe remit this particular Cauſe to both the Houſes: But I deſire them to take into their conſideration, the inconveniencies (as I conceive) may upon this occaſion fall upon my Subjects and other Proteſtants abroad, eſpecially ſince it may ſeeme to other States to be a ſeverity, which ſurpriſe having thus repreſented, I think my ſelfe diſcharged from all ill conſequence that may enſue upon the execution of this perſon.

FINIS.

To the Right Honourable the Commons Houſe of Parliament.

The humble Petition of many of his Majeſties Subjects in and about the Citie of London *and ſeverall Counties of the Kingdome.*

THat wheras the government of Archbiſhops, and Lord-Biſhops, Deanes, and Archdeacons, &c. with their Courts and miniſtrations in them hath proved prejudiciall and very dangerous both to the Church and Common-wealth, they themſelves having formerly held, that they have their juriſdiction or authority of humane Authority, till of theſe later times being further peruſed about the unlawfulneſſe that they have claymed their calling immediatly from the Lord JESVS CHRIST, which is againſt the Lawes of this Kingdome, and Derogatory to his Majeſtie and his State Royall. And whereas the ſaid government is found, by wofull experience, to be a maine cauſe and occaſion of many foule evils, preſſures, and grievances of a very high nature unto his Majeſties Subjects, in their owne Conſciences, liberties, and eſtates, as in a Shedule of particulars hereunto annexed may in part appeare.

We therefore moſt humbly pray and beſeech this Honou-

rable Aſſembly, the premiſſes conſidered, that the ſaid government with all its dependances, roots and branches may be aboliſhed, and all lawes in their behalfe made voyd, and the government, according to Gods word, may be rightly placed amongſt us, and we your humble Supplyants, as in duty we are bound, will daily pray for his Majeſties long and happy raigne over us, and for the proſperous ſucceſſe of this High and Honourable Court of Parliament, &c.

A Particular of the manifold Evils, Preſſures, and Grievances, cauſed, practized, and occaſioned by the Prelates and their Dependants.

I.

FIrſt, the ſubjecting and enclining all Miniſters under them and their Authority, and ſo by degrees exempting of them from the Temporall power, whence followes:

II.

The faint-heartedneſſe of Miniſters to preach the truth of God, leſt they ſhould diſpleaſe the Prelates, as namely *the Doctrine of Predeſtination, of Free-grace, of Perſeverance, of Originall ſinne remaining after Baptiſme, of the Sabbath, the Doctrine againſt univerſall Grace, Election for Faith foreſeene, Free-will, againſt Antichriſt, non-Reſidents, humane Inventions of Gods worſhip*, all which are generally with-held from the peoples knowledge, becauſe not reliſhing to the Biſhops.

3. The

III.

The encouragement of Miniſters to deſpiſe the temporall Magiſtracie, the Nobles, and Gentry of the Land, to abuſe the Subjects, & live contentiouſly with their neighbours, knowing that they being the Biſhops creatures; they ſhall be ſupported.

IV.

The reſtraint of many godly and able men from the Miniſtry, and thruſting out of many Congregations, their faithfull, diligent, and powerfull Miniſters, who lived peaceably with them and did them good, onely becauſe they cannot in Conſcience ſubmit unto, and maintaine the Biſhops needleſſe devices; nay ſometimes, for no other cauſe but for their zeale in Preaching, or great Auditories.

V.

The ſuppreſſing of that godly Deſigne ſet on foot by certaine Sects, and ſugred with many great gifts by ſundry well-affected perſons, for the buying of Impropriations, and placing of able Miniſters in them, maintaining of Lectures, and founding of Free Schooles; which the Prelates could not endure, leſt it ſhould darken their glories, and draw the Miniſters from their dependance upon them.

VI.

The great encreaſe of idle, lewd and diſſolute, ignorant and erroneous men in the Miniſtry, which ſwarme like the Locuſts of Egypt over the whole Kingdome, and will they but weare a Canonicall Coat, a Surpliſſe, a Hood, bow at the name of JESUS, and be zealous of Superſtitious Ceremonies, they may live as they liſt, confront whom they pleaſe, preach and vent what errours they will, and neglect preaching at their pleaſures, without controule.

VII.

The diſcouragement of many from bringing up their Children in learning, the many Schiſmes, errors, and ſtrange opi-

nions which are in the Church; great Corruptions, which are in the Universities; the grosse and lamentable ignorance almost every where among the people; the want of preaching Ministers in very many places both of *England* & *Wales*, the loathing of the Ministry, and the generall defection to all manner of prophaneneſſe.

VIII.

The ſwarming of laſcivious, idle, and unprofitable Books and Pamphlets, Play-books, and Ballads, as namely *Ovids* fits of Love; the *Parliament* of Women came out at the diſſolving of the laſt *Parliament*, *Barnes* Poems, *Parkers* Ballads in diſgrace of Religion, to the encreaſe of all vice, and withdrawing of people from reading, ſtudying, and hearing the word of God, and other good Books.

IX.

The hindring of godly Books to be Printed, the blotting out, or perverting thoſe which they ſuffer, all or moſt of that which ſtrikes either at *Poperie* or *Arminianiſme*, the adding of what or where pleaſeth them, and the reſtraints of reprinting Books formerly lycenſed without relycenſing.

X.

The publiſhing and venting of *Popiſh*, *Arminian*, and other dangerous Books and Tenets, as namely; that the *Church* of *Rome* is a true *Church*, and in the worſt times never erred in *Fundamentals*, that the Subjects have no propriety in their Eſtates, but that the King may take from them what hee pleaſeth, that all is the Kings, and that he is bound by no Law, and many other, from the former whereof hath ſprang,

XI.

The growth of *Popery*, and encreaſe of *Papiſts*, *Prieſts* and *Jeſuits* in ſundry places, but eſpecially about *London* ſince the *Reformation*, the frequent venting of *Crucifixes* and *Popiſh pictures*,

Pictures, both engraven and printed, and the placing of ſuch in Bibles.

XII.

The multitude of *Monopolies* and *Pattents*, drawing with them innumerable Perjuries, the large encreaſe of Cuſtomes and Impoſitions upon *Commodities*, the *Ship-monies*, and many other great burthens upon the *Common-wealth*, under which all groane.

XIII.

Moreover, the Offices and Juriſdictions of *Arch-biſhops*, *Lord-Biſhops*, *Deanes*, *Arch-Deacons*, being the ſame way of *Church-Government* which is in the *Romiſh Church*, and which was in *England* in the time of *Poperie*, little change thereof being made (except onely the head from whence it was derived) the ſame Arguments ſupporting the Pope, which doe uphold the *Prelates*, and overthrowing the *Prelates*, which doe pull downe the Pope, and other reformed *Churches*, having upon their rejection of the Pope, caſt the Prelates out alſo as Members of the Beaſt: Hence it is, that the Prelates here in *England* by themſelves or their Diſciples plead and maintaine, that the Pope is not *Antichriſt*, and that the *Church of Rome* is a true *Church*, hath not erred in Fundamentall points, and that Salvation is attainable in that Religion, and therefore have reſtrained to pray for the Converſion of our Soveraigne Lady the Queene. Hence alſo hath come,

XIV.

The great Conformity and likeneſſe both continued and encreaſed of our Church to the Church of *Rome*, in Veſtures, Poſtures, Ceremonies, and Adminiſtrations, namely as the Biſhops Rochets, and the Lawne ſleeves, the foure-cornerd Cap, the Cope and Surpliſſe, the Tippet, the Hood, and the Canonicall Coat, the Pulpits clothed, eſpecially now of late, with the Jeſuites Badge upon them every way.

XV.

The ſtanding up at *Gloria Patri*, and at the reading the Goſpell,

Goſpell, praying towards the Eaſt, the bowing at the name of Jesvs; the bowing to the Altar towards the Eaſt, Croſſe in Baptiſme, the Kneeling at the Communion.

XVI.

The turning of the Communion Tables Altar-wiſe, ſetting Images, Crucifixes, and Conceits over them; and Tapers and Books upon them, and bowing, and adoring to or before them, the reading of the ſecond Service at the Altar, and forcing people to come up thither to receive, or elſe denying the Sacrament to them, tearming the Altar to be the mercie-ſeat, or the place of God Almighty in the Church, which is a plaine device to uſher in the Maſſe.

XVII.

The Chriſtning and Conſecrating of Churches and Chappells, the Conſecrating *Fonts, Pulpits*, Tables, Chalices, Churchyards, and many other things, and putting holineſſe in them; yea, reconſecrating upon pretended pollution, as though every thing were uncleane without their Conſecrating, and for want of this ſundry Churches have beene interdicted and kept from uſe as polluted.

XVIII.

The Liturgie for the moſt part's framed out of the Romiſh *Breviary Ritualium* Maſſe-book, alſo the book of Ordination, for Archbiſhops and Miniſters, framed out of the Roman Pontificall.

XIX.

The multitude of Canons formerly made, wherein, among other things, Excommunication, *ipſo facto* is denounced for ſpeaking of a word againſt the deviſes above ſaid, or ſubſcription thereunto, though no Law enjoyned a reſtraint from the Miniſtry without ſuch ſubſcription, and Appeale is denied to any that ſhould refuſe ſubſcription or unlawfull conformity,

formity, though he be never ſo much wronged by the inferiour Judge: alſo the Canons made in the late ſacred Synod, as they call it, wherein are many ſtrange and dangerous Devices to undermine the Goſpel, and the Subjects liberties, to propagate Popery, to ſpoyle Gods people, inſnare Miniſters and other *Students*, and ſo to draw all into an abſolute ſubjection and thraldome to them and their government, ſpoyling both the King and the Parliament of their power.

XX.

The countenancing plurality of Benefices, prohibiting of Marriages without their Lycence at certaine times, almoſt halfe the yeare, and lycenſing of Marriages without Banes asking.

XXI.

Prophanation of the Lords day, pleading for it, and enjoyning Miniſters to read a *Declaration*, ſet forth, as 'tis thought, by their procurement for tolerating of ſports upon that day, ſuſpending and depriving many godly Miniſters, for not reading the ſame onely out of Conſcience, it was againſt the Law of God ſo to doe, and no Law of the Land to enjoyne it.

XXII.

The preſſing of the ſtrict obſervation of Saints Dayes, whereby great ſummes of Moneyes are drawne out of Mens purſes for working on them, a very high burthen on moſt people, who getting their living by their dayly imployments, muſt either omit them and be idle, or part with their money, whereby many poore families are undone, or brought behind-hand, yea many *Church-wardens* are ſued, or threatned to be ſued by their troubleſome Miniſters, as perjured perſons, for not preſenting their Pariſhioners, who fayled in obſerving *Holy-dayes*.

XXIII.

The great encreaſe and frequencie of Whoredomes and

Adulteries, occaſioned by the *Prelates* corrupt adminiſtration of Juſtice, in ſuch Caſes, who taking upon them the puniſhment of it, doe turne all into moneyes for the filling of their purſes, and leſt their Officers ſhould defraud them of their gaine, they have in their late Canon, inſtead of remedying their vices, decreed that the *Commutation* of Pennance ſhall not be without the Biſhops privity.

XXIV.

The generall abuſe of that great ordinance of Excommunication, which God hath left in his Church to be uſed as the laſt and greateſt puniſhment the Church can inflict upon obſtinate and great Offenders, and that the Prelates and their Officers, who of right, have nothing to doe with it, doe daily excommunicate men either for doing that which is lawfull, or for vaine, idle, and triviall matters, as working or opening a ſhop on a Holiday, for not appearing at every beck upon their ſummons, not paying a fee or the like; yea, they have made it, as they doe all other things, a hook or inſtrument wherewith to empty mens purſes, and to advance their owne greatneſſe, and ſo that ſacred ordinance of God, by their perverting of it, becomes contemptible to all men, and ſeldome or never uſed againſt notorious offenders, who, for the moſt part, are their favourites.

XXV.

Yea further, the pride and ambition of the *Prelates* being boundleſſe, unwilling to be ſubject to either man or Lawes, they claime their Office and Juriſdiction to be *Iure divino*, exerciſe Eccleſiaſticall authority in their owne names and Rights, and under their owne Seales, and take upon them Temporall dignities, Places and Offices in the Commonwealth, that they may ſway both ſwords.

XXVI.

Whence followes the taking Commiſſions in their owne Courts

Courts and Conſiſtories, and where elſe they ſit in matters determinable of Right at Common Law, the putting of Miniſters upon Pariſhes, without the Patrons & people's conſent.

XXVII.

The impoſing of Oathes of various and triviall Articles yearely upon Church-wardens, and Side-men, which without perjury, unleſſe they fall at jarres continually with their Miniſters and Neighbours, and wholly neglect their owne calling.

XXVIII.

The exerciſing of the Oath *Ex Officio*, and other proceedings by way of *Inquiſition* reaching even to mens thoughts, the apprehending, and detaining of men by *Purſivants*, the frequent ſuſpending and depriving of Miniſters, fining and impriſoning of all ſorts of people, breaking up of mens Houſes and Studies, taking away mens Books, Letters, and other writings, ſeizing upon their Eſtates, removing them from their callings, ſeperating betweene them and their wives againſt both their wills, the rejecting of prohibitions with threatnings, and the doing of many other out-rages, to the utter infringing the Lawes of the Realme, and the Subjects liberties, and arraigning of them and their Families, and of latter time, the Judges of the Land are ſo awed with the power and greatneſſe of the Prelates, and other wayes promoted, that neither prohibition, *Habeas Corpus*, or any other lawfull remedy can be had, or take place, for the diſtreſſed Subjects in moſt Caſes, onely *Papiſts*, *Ieſuits*, *Prieſts*, and ſuch others as propagate *Popery* or *Arminianiſme*, are countenanced, ſpared, and have much liberty, *and from hence followed amongſt others theſe dangerous Conſequences.*

I.

FIrſt, the generall hope and expectation of the *Romiſh* part, *that their ſuperſtitious Religion will ere long be fully planted in this Kingdome againe, and ſo they are encouraged to perſiſt*

therein, and to practice the ſame openly in divers places, to the high diſhonour of God, and contrary to the Lawes of the Realme.

II.

Secondly, the diſcouragement and deſtruction of all good Subjects, of whom all Multitudes both *Clothiers, Marchants*, and others, being deprived of their Miniſters, and overburthen'd with theſe preſſures, have departed the Kingdome to *Holland*, and other parts, and have drawn with them a great part of manufacture of *Cloth* and *Trading* out of the Land into other places, where they reſide, whereby Wooll, the great ſtaple of the Kingdome, is become of ſmall value and vends not, Trading is decayed, many poore people want work, Sea-men loſe imployment, and the whole Land much impoveriſhed, to the great diſhonour of this Kingdome, and blemiſhment to the government thereof.

III.

The preſent warres and Commotions happened betweene his Majeſty and his Subjects of *Scotland*, wherein his Majeſty and all his Kingdome are indangered, and ſuffer greatly, and are like to become a prey to the common Enemy, in caſe the warres goe on, which we exceedingly feare, will not onely goe on, but alſo encreaſe to an utter Ruine of all, unleſſe the Prelates with their dependancies be removed out of *England*, and alſo they and their practices, who, as we, under your Honours favour, doe verily beleeve and conceive, have occaſioned the Quarrell.

All which wee humbly referre to the conſideration of this Honourable Aſſembly, deſiring the Lord of Heaven to direct you in the right way to redreſſe all theſe evills.

FINIS.

The Reſolution of the Houſe of Commons touching the ſix Demands of the *Scots*, for reſtitution of their Loſſes *and Dammages.*

THis Houſe thinks fit that a friendly Aſſiſtance and reliefe be given towards ſupply of the loſſes and neceſſities of the *Scots*, and in due time this Houſe wil take conſideration both of the manner and meaſure of it.

The Scottiſh Commiſſioners Anſwer to the reſolution of the Parliament.

AS wee doe with all thankfulneſſe receive the friendly and kindly reſolution of the Parliament concerning our Demands, wee doe therein acknowledge your Lordſhips noble dealing, for which we may aſſure that the whole Kingdome of *Scotland* will at all occaſions expreſſe themſelves on all reſpect and kindneſſe; ſo doe we entreat your Lordſhips to preſent unto the Parliament, our earneſt deſire, that they may be pleaſed, howſoever their conveniencie may ſerve to conſider of the proportion, wiſhing ſtill that as wee expect from our friends the teſtimonies of their kindneſſe & friendly Aſſiſtance, ſo the Juſtice of the Parliament may be declared in making the burthen more ſenſible to the Prelates and

Papiſts our Enemies, and Authors of all our evills, then to others, who never have wronged us, which will not onely give unto us, and the whole Kingdome of *Scotland* the greater ſatisfaction, but will alſo (as wee can conceive) conduce much to the honour of the Kings Majeſtie, and Parliament. Wee doe alſo expect that your Lordſhips will be pleaſed to report unto us the Anſwer of the Parliament, that wee may in this as in the former Articles give Account to thoſe who ſent us.

The Peeres Demands upon the aforeſaid Anſwer.

WEe deſire to underſtand ſince (as we conceive) the particulars are like to require much time, whether we may not from you let the Parliament know, that whileſt they are debating of the proportion, and the wayes how they finde aſſiſtance may be raiſed, you will proceed to the agreeing to the Articles of a firme and durable peace, that thereby both time may be ſaved, and both ſides proceed mutually with the more cheerefulneſſe and alacrity.

The Scottiſh Commiſſioners Anſwer to the Peeres Demands.

AS wee deſire a firme Peace, ſo is it our deſire that this Peace may be with all mutuall Alacrity ſpeedily concluded; and therefore let's entreat you all to ſhew the Parliament from us, that how ſoon they ſhall be pleaſed to make the proportion knowne to us, that wee may ſatisfie the expectation of thoſe who have inſtructed us, which wee doe

conceive

conceive may be done in a ſhort time, ſince they are already acquainted with all the particulars of our Demands, wee ſhall ſtay no longer upon the manner and wayes of raiſing the aſſiſtance, which may require a longer time, and yet we truſt it will be with ſuch conveniencie as may ſerve for our two moneths reliefe, but remitting the manner and wayes to the oportunity of the Parliament, ſhall moſt willingly proceed to the conſiderations of the following Articles, eſpecially to that which wee moſt of all deſire, a firme and ſetled Peace.

26. *Ian.* 1640.

FINIS.

Articles of the Houſe of Commons in Parliament, againſt Secretary WINDEBANKE.

INprimis, *Seventy foure Letters of grace to Recuſants, within this foure yeares, ſigned with Secretary* Windebankes *owne hand.*

2 *Sixty foure Prieſts in the* Gate-houſe, *within this foure yeares diſcharged, for the moſt part, by Secretary* Windebanke.

3 *Twenty nine diſcharged by a verball warrant of Secretarie* Windebanke.

4 *A warrant to protect one* Muſſon, *a condemned Prieſt, and all the houſes he frequented.*

5 *One committed by the Kings owne hand, and diſcharged by Secretarie* Windebanke, *without ſignification of the Kings pleaſure therein.*

6 *A Petition of Saint* Giles *in the Fields, neere* London, *to the King, of the encreaſe of Popery in their Pariſh, wherein twenty one perſons were ſeduced and turned by two Prieſts, the which Prieſts were both diſcharged by Secretary* Windebanke.

Die Lunæ 21. Decembris. 1640.

A Speech made by *John* Lord *Finch*, Lord Keeper of the great Seale of *England*, in the Commons house of Parliament.

Maſter Speaker.

I Do firſt preſent my moſt humble thanks to this Honourable Aſſembly, for this favour vouchſafed me, in granting me admittance to their preſence, and doe humbly beſeech them to beleeve it is no deſire to preſerve my ſelfe or my fortune, but to deſerve the good opinions of thoſe that have drawne mee hither.

I do profeſſe in the preſence of him that knoweth all hearts, that I had rather go from dore to dore, and crave *Da obulum Belizario, &c.* with the good opinion of this Aſſembly, then live and enjoy all the honours and fortunes I am capable of.

I doe not come hither with an intention to juſtifie my words, my actions, or my opinions; but to make a plaine and cleare narration for my ſelfe, and then humbly to ſubmit to the wiſedome and juſtice of this Houſe my ſelfe, and all that concernes me.

I doe well underſtand (*Maſter Speaker*) with what diſadvantage any man can ſpeake in his owne cauſe, and if I could have told how to have tranſmitted my thoughts and actions by a clearer repreſentation of another (I doe ſo much

 deſire

deſie my owne judgement in working, and my wayes in expreſſing) that I ſhould have beene a moſt humble ſuiter, another might have done it. But this Houſe wil not take words, but with cleare and ingennous dealing, and therefore I ſhall beſeech them to think I come not hither with a ſet or ſtudied Speech, I come to ſpeake my heart, and to ſpeake it clearely and plainely and then leave it to your clemencie and Juſtice, and I hope if any thing ſhall ſlip from me, to work contrary to my meaning, or intention, diſorderly or ill placed, you will be pleaſed to make a favourable conſtruction, and leave me the liberty of explanation, if there ſhall be any, but I hope there ſhall be no cauſe for it.

I hope for my affection in Religion no man doubteth me, what my education, what and under whom for many yeares, is well knowne; I lived neere 30 yeares in the Society of *Grayes Inn:* and if one that was a reverend Preacher in my time (Doctor *Sibbs*) were now alive, hee were able to give teſtimony to this Houſe, that when a party ill affected in Religion ſought to weary him, and tyer him out, hee had his chiefeſt encouragement from me.

I have now (*Maſter Speaker*) been 15 yeares of the Kings Councell, from the firſt houre to this minute, no man is able to ſay that ever I was Author, Adviſor, or Conſentor to any project.

It pleaſed the King (my gracious Maſter) after I had ſerved him divers yeares to preferre mee to two places; to be chiefe Juſtice of the Common Pleas, and then Keeper of his great Seale, I ſay it in the preſence of God, I was ſo far from the thought of the one, and from the ambition of the other, that if my Maſter his grace and goodneſſe had not been, I had never enjoyed thoſe Honours.

I cannot tell (*Maſter Speaker*) nor I doe not know what particulars there are that may draw me into your diſfavour or ill opinion, and therefore I ſhall come very weakly armed, yet to thoſe that either in my owne knowledge, or by ſuch knowledge as is given me, and not from any in this Houſe, I ſhall ſpeake ſomewhat, that I hope being truth, and accompanied

panied with cleareneſſe and ingenuity, will at laſt procure ſome allay of that ill opinion which may perhaps be conceived of me.

Maſter Speaker, I had once the Honour to ſit in the place that you doe: from the firſt time I came thither to the unfortunate time, I doe appeale to all that were here then, if I ſerved you not with candor. Ill office I never did to any of the Houſe, good offices I have witneſſes enough I did many, I was ſo happy that upon an occaſion which once happened, I received an expreſſion and teſtimony of the good affection of this Houſe towards me.

For the laſt unhappy day I had a great ſhare in the unhappineſſe and ſorrow of it. I hope there are enough doe remember, no man within the walls of this Houſe did expreſſe more ſymptomes of ſorrow, griefe, and diſtraction then I did.

After an adjournment for two or three dayes, it pleaſed his Majeſtie to ſend for me, to let me know that he could not ſo reſolve of things as hee deſired, and therefore was deſirous that there might be an adjournment for ſome few dayes more. I proteſt I did not then diſcerne in his Majeſtie, and I beleeve it was not in his thoughts to think of the diſſolving of this Aſſembly, but was pleaſed in the firſt place to give me a command to deliver his pleaſure to the Houſe for an adjournment for ſome few dayes, till the Monday following, as I remember, and commanded me withall to deliver his pleaſure, that there ſhould be no further ſpeeches, but forthwith upon the delivery of the Meſſage come and wait upon him: hee likewiſe commanded me if queſtions were offered to be put, upon my Alleageance I ſhould not dare to doe it, how much I did then in all humbleneſſe reaſon with his Majeſtie, is not for me here to ſpeake; onely thus much let me ſay, I was no Author of any counſell in it, I was onely a perſon in receiving commiſſion. I ſpeake not this as any thing I now produce or doe invent, or take up for my owne excuſe, but that Which is knowne to divers, and ſome Honourable perſons in this houſe to be moſt true. All that I will ſay for that is humbly to beſeech you all to conſider, That if it had beene

any mans cauſe as it was mine, betweene the diſpleaſure of a gracious King, and the ill opinion of an Honourable Aſſembly. I beſeech you lay all together, lay my firſt actions and behaviour with the laſt, I ſhall ſubmit to your Honourable and favourable conſtructions.

For the Shipping buſineſſe, my opinion of that cauſe hath layne heavy upon me, I ſhall clearely and truly preſent unto you what every thing is, with this proteſtation, that if in reckoning up my owne opinion what I was of, or what I delivered, any thing of it be diſpleaſing, or cõtrary to the opinion of this Houſe, that I am farre from juſtifying of it, but ſubmit that and all other my actions to your wiſedomes and goodneſſe.

Maſter Speaker, the firſt Writs that were ſent out about Shipping buſineſſe, I had no more knowledge of it, and was as ignorant as any one Member of this Houſe, or any man in the Kingdome. I was never the Author nor Adviſor of it, and will boldly ſay from the firſt to this houre, I did never adviſe nor counſell the ſetting forth of any Ship-writs in my life.

Maſter Speaker, it is true that I was made chiefe Juſtice of the Common Pleas ſome foure dayes before the Ship-writs went out to the Ports and Maritine places, as I doe remember the 20 of *October* 1634. they doe beare Teſte, and I was ſworne Juſtice the 16 of *October*, ſo as they went out in that time, but without my knowledge or privity, the God of heaven knowes this to be true.

Maſter Speaker, afterwards his Majeſtie was pleaſed to command my Lord chiefe Juſtice of the Kings Bench, that then was, Sir *Thomas Richardſon*, and chiefe Baron of the Exchequer that now is, and my ſelfe then chiefe Juſtice of the Common Pleas, to take into conſideration the Preſidents then brought unto us, which we did, and after returned to his Majeſtie what we had found out of thoſe Preſidents.

It is true, that afterwards his Majeſtie did take into conſideration, that if the whole Kingdome were concerned, that it was not reaſon to lay the whole burthen upon the Cinque Ports and Maritine Townes.

There-

Thereupon, upon what ground his Majeſty took that into his conſideration, I doe confeſſe I doe know nothing of it.

His Majeſty did command my Lord chief Juſtice that now is, my Lord chiefe Baron, and my ſelfe, to returne our opinions; whether, when the whole Kingdome is in danger, and the Kingdome in generall is concerned, it be not according to Law and reaſon, that the whole Kingdome, and his Majeſtie, and all intereſſed therein, ſhould joyne in defending and preſerving thereof.

This was in time, about one 1634.

In Michaelmas Terme following, his Majeſty commanded me to goe to all the Judges, and require their opinions in particular.

He commanded mee to doe it ſo every one, and to charge them upon their duty and allegiance, to keepe it ſecret.

Maſter Speaker, it was never intended by his Majeſty (ſo profeſſed by him) at that time, and ſo declared to all the Judges, that it was not required by him, to be ſuch a binding opinion to the Subject, as to hinder him from calling it in queſtion, nor to be binding to themſelves, but that upon better reaſon, and adviſe they may alter it; but deſired their opinions, for his owne private reaſon.

I know very well, that extrajudiciall opinions of Judges ought not to be binding.

But I did think, and ſpeake my heart and conſcience freely; my ſelfe, and the reſt of the Judges being ſworne, and by our Oaths tyed to counſell the King when he ſhould require adviſe of us, that we were bound by our oaths and duties to returne our opinions.

I did obey his Majeſties command, and doe here before the God of heaven avow it.

I did never uſe the leaſt promiſe of preferment or reward to any, nor did uſe the leaſt menacy; I did leave it freely to their owne conſciences and liberty; for I was left the liberty of my owne by his Majeſty, and had reaſon to leave them the liberty of their owne conſciences.

And I beſeech you be pleaſed to have ſome beliefe, that I

would not ſay this, but that I know the God of heaven will make it appeare; and I beſeech you that extravagant ſpeeches may not move againſt that which is a poſitive and cleare truth.

Maſter Speaker, in the diſcourſe of this (as is betweene Judges, ſome ſmall diſcourſes ſometimes) yet never any cauſe where in any Judges conferred, that were ſo little conference as [illegible] me and them.

Maſter Speaker, againſt a Negative, I can ſay nothing, but I ſhall affirme nothing unto you, but by the grace of God, as I affirme it to be true, ſo I make no doubt of making it appeare to be ſo.

This opinion was ſubſcribed without Solicitation, there was not any man of us did make any doubt of ſubſcribing our opinion, but two, Maſter Juſtice *Hutton*, and Maſter Iuſtice *Crooke*.

Maſter Iuſtice *Crooke* made not a ſcruple of the thing, but of the introduction, for it was thus:

That whereas the Ports & the Maritine Towns were concerned; there according to the Preſidents in former times, the charge lay on them.

So when the Kingdome was in danger, of which his Majeſty was the ſole Iudge; whether it was not agreeable to Law and reaſon, the whole Kingdome to beare the charge;

I left this caſe with Iudge *Crooke*.

The next Terme I ſpake with him, hee could give me no reſolution, becauſe hee had not ſeene the Writs in former times, but did give his opinion, that when the whole Kingdome was in danger, they of the defence ought to be borne by all.

So of that opinion of his, there was no need of a Solicitation.

I ſpeake no more here, than I did openly in my argument in the Chequer Chamber.

This is the naked truth: for Maſter Iuſtice *Hutton*, he did never ſubſcribe at all.

I will onely ſay this, that I was ſo farre from preſſing him

him to give his opinion, becauſe he did ask time to conſider of it. that I will boldly ſay, and make it good, that when his Majeſty would have had him ſometimes ſent for, to give his opinion, I beſeeched his Majeſty to leave him to himſelfe and his conſcience; and that was the ill office I did.

The Iudges did ſubſcribe in *November* or *December*, 1635.

I had no conference (nor truly I think) by accident any diſcourſe with any of the Iudges touching their opinions; for till *February* 1636, there was no ſpeech of it, for when they had delivered their opinions I did returne according to my duty to my Maſter the King, and delivered them to him: in whoſe cuſtody they be in.

In *February* 1636, upon a command that came from his Majeſty, by one of the then Secretaries of State, the Iudges all aſſembled in *Grayes-Inn*, we did then fall into a debate of the caſe then ſent unto us, and wee did then returne our opinion unto his Majeſty; there was then much diſcourſe and great debate about it.

Mine opinion and conſcience at that time was agreeable to that opinion *I* then delivered.

I did uſe the beſt arguments *I* could, for the maintainance of my opinion; and that was all *I* did.

It is true that then at that time, Maſter *Iuſtice Hutton*, and Maſter *Iuſtice Crooke*, did not differ in the maine point, which was this;

When the Kingdome was in danger, the charge ought to be borne by the whole Kingdome.

But in this point, whether the King was the ſole *Iudge* of the danger? they differed.

So as there was betweene the firſt ſubſcription, and this debate, and conſultation, ſome 15 moneths difference.

It is true, that all of them did then ſubſcribe, both *Iuſtice Hutton*, and *Iuſtice Crooke*, which was returned to his Majeſtie, and after publiſhed by my Lord Keeper (my predeceſſour) in the Star-chamber.

For the manner of publiſhing it *I* will ſay nothing, but leave

leave it to thoſe, whoſe memories wil call to mind what was then done.

The reaſon of the ſubſcription of *Iuſtice Hutton*, and *Iuſtice Crooke*, (though they differed in opinion) grew from this that was told them, from the reſt of the *Iudges*,

That where the greater number did agree in their vote, the reſt were involved and included.

And now I have faithfully delivered, what *I* did in that buſineſſe, till *I* came (which was afterwards) to my argument in the Exchequer Chamber for the queſtion was, *A ſcire facias* iſſued out of the Exchequer, in that caſe of Maſter *Hampdens*; of which *I* can ſay nothing, for it was there begun, and afterwards rejourned, to have advice of all the *Iudges*.

Maſter Speaker, among the reſt (according to my duty) *I* argued the caſe.

I ſhall not trouble you, to tell you what my argument was, I preſume there are Copies enough of it; onely I will tell you there are foure things, very briefly, what I then declared.

Firſt, concerning the matter of danger, and neceſſity of the whole Kingdome.

I profeſſe that there was never a Judge in the Kingdome did deliver an opinion, but that it *muſt be in a caſe* of apparant danger.

When we came to an argument of the caſe, it was not upon a matter or iſſue, but it was upon a demurrer.

Whether the danger was ſufficiently admitted in pleading, and therefore was not the thing that was in diſpute, that was the firſt degree and ſtep that led unto it.

I did deliver my ſelfe as free and as clear as any man did, that the King ought to governe by the poſitive Lawes of the Kingdome, that hee could not alter nor change, nor innovate in matters of Law, but by common conſent in Parliament.

I did further deliver, that if this were uſed to make a further revenue or benefit to the King, or in any other way but in caſe of neceſſity, and for the preſervation of the Kingdome,

dome, The judgement did warrant no ſuch thing:

My opinion in this buſineſſe, I did in my concluſion of my argument ſubmit to the judgement of this Houſe.

I never delivered my opinion, that mony ought to be raiſed, but Ships provided for the defence of the Kingdome, and in that the Writ was performed.

And that the charge ought not to be in any caſe, but where the whole Kingdome was in danger.

And Maſter Juſtice *Huſton*, and Maſter Juſtice *Crooke*, were of the ſame opinion with me.

I doe humbly ſubmit, having related unto you my whole carriage in this buſineſſe, humbly ſubmitting my ſelfe to your grave and favourable cenſures, beſeeching you not to think that I delivered theſe things with the leaſt intention to ſubvert or ſubject the common Law of the Kingdome, or to bring in, or to introduce any new way of government, it hath bin farre from my thoughts, as any thing under the heavens.

Maſter Speaker, I have heard too that there hath bin ſome ill opinion conceived of me about Forreſt buſineſſe, which was a thing farre out of the way of my ſtudy, as any thing I know towards the Law.

But it pleaſed his Majeſty, in the ſickneſſe of Maſter *Noy*, to give ſome ſhort warning to prepare my ſelfe for that imployment.

When I came there, I did both the King and Common-wealth acceptable ſervice, for I did and dare be bold to ſay, with extreame danger to my ſelfe and fortune, (ſome doe underſtand my meaning herein) run through that buſineſſe, and left the Forreſt as much as was there.

A thing in my judgement conſiderable for the advantage of the Common-wealth, as could be undertaken.

When I went downe about that imployment, I ſatisfied my ſelfe about the matter of perambulation.

There were great difficulties of opinions, what perambulation was.

I did arme my ſelfe as well as I could, before I did any thing in it.

I did acquaint thoſe that were then *Iudges*, in the preſence of the noble Lords, with ſuch objections as *I* thought it my duty to offer unto them.

If they thought they were not objections of ſuch waight, as were fit to turre them, *I* would not doe the King that diſſervice.

They thought the objections had ſuch anſwers as might well induce the like upon a conference with the whole Country, admitting mee to come and conferre with them, the Country did unanimouſly ſubſcribe.

It fell out afterwards, that the King commanded me, and all this before *I* was chiefe *Iuſtice*, to goe into *Eſſex*, and did then tell me he had beene enformed, that the bounds of the Forreſt were narrower, then in truth they ought to be; and *I* did according to his command.

I will here profeſſe that which is knowne to many, *I* had no thought or intention of enlarging the bounds of the Forreſt, further then *H.* and that part about it, for which there was a perambulation about 26 *Edward* 4.

I deſired the Country to confer with me about it, if they were pleaſed to doe it; and then according to my duty, *I* did produce thoſe Records which *I* thought fit for his Majeſties ſervice, leaving them to diſcharge themſelves as by Law and Juſtice they might doe.

I did never in the leaſt kind, goe about to overthrow the charter of the Forreſt.

And did publiſh and maintaine *Charta de Foreſta*, as a ſacred thing, and no man to violate it, and ought to be preſerved for the King and Common-wealth.

I doe in this humbly ſubmit, and what *I* have done, to the goodneſſe and Juſtice of this Houſe.

FINIS.

Mr. *Herbotle Grimſtones* ſecond Speech in Parliament the 18. of December. 1640.

Maſter Speaker.

THere hath been preſented to the houſe a moſt faithfull and exact report of the conference wee had with the Lords yeſterday, together with the opinion of the Committees that we imployed in the ſervice, that they conceaved it fit, that the Archbiſhop of *Canterbury* ſhould be ſequeſtred, and I muſt ſecond the motion. And with the favour of this Houſe, I ſhall be bold to offer my reaſons, why I conceive it more neceſſary wee ſhould proceed a little further then the deſire of a bare ſequeſtration onely.

Maſter Speaker, long Introductions are not ſuitable to waighty buſineſſes: wee are now fallen upon the great man, the Archbiſhop of *Canterbury*, looke upon him as hee is in highneſſe, and he is the Stye of all peſtilentiall filth, that hath infected the State and Government of this Common-wealth: Looke upon him in his dependances, and he is the man, the onely man that hath raiſed and advanced all thoſe, that together with himſelfe have beene the Authors and Cauſers of all our ruines, miſeries, and calamities wee now groane under. Who is it but he only that hath brought the Earle of *Strafford*

to all his great places and imployments; a fit ſpirit and inſtrument to act and execute all his wicked and bloudy Deſignes in theſe Kingdomes.

Who is it but hee onely that brought in Secretary *Windibank* into this place of ſervice of truſt, the very Broker and Pander to the Whore of *Babylon*.

Who is it *Maſter Speaker* but hee onely that hath advanced all our Popiſh Biſhops, I ſhall name but ſome of them, Biſhop *Manering*, the Biſhop of *Bath and Wells*, the Biſhop of *Oxford*, and Biſhop *Wren*, the leaſt of all theſe birds, but one of the moſt uncleane ones. Theſe are the men that ſhould have fed Chriſts Flock, but they are the Wolfes that have devoured them; the Sheepe ſhould have fed upon the Mountaines, but the Mountaines have eaten up the Sheepe. It was the happineſſe of our Church, when the Zeale of Gods houſe eat up the Biſhops, glorious and brave Martyrs, that went to the Stake in defence of the Proteſtant Religion: but the Zeale of the Biſhops hath beene onely to perſecute and eat up the Church.

Who is it *Maſter Speaker* but this great Archbiſhop of *Canterbury*, that hath ſitten at the helme, to ſteere and to mannage all the projects that have beene ſet on foot in this Kingdome this tenne yeares laſt paſt: and rather then hee would ſtand out, he hath moſt unworthily trucked and chafered in the meaneſt of them; as for inſtance, that of Tobacco, wherein thouſands of poore people have beene ſtripped and turned out of their Trades, for which they have ſerved as Apprentizes: wee all know he was the Compounder and Contracter with them for the Licences, putting them to pay Fines, and a fee Farme rent to uſe their Trade certainly. *Maſter Speaker*, hee might have ſpent his time much better, and more for his Grace in the Pulpit, then thus ſherking and raking in the Tobacco-ſhops. *Maſter Speaker*, we all know what

What he hath been charged withall here in this houſe, crimes of a dangerous conſequence, and of a tranſcendent nature, no leſſe then the ſubverſion of the Government of this Kingdome, and the alteration of the Proteſtant Religion: and this is not upon bare information onely, but much of it is come before us already upon cleare and manifeſt proofes, and there is ſcarce any grievance or complaint come before us in this Place, wherein we do not find him intermentioned, and as it were twiſted into it, like a dunne angry Waſpe, his ſting is in the tayle of every thing, wee have likewiſe this day heard the report of the conference yeſterday, and in it the accuſation which the *Scottiſh* Nation hath charged him withall, and we doe all know he is guilty of the ſame, if not more here in this Kingdome.

Maſter Speaker, hee hath beene the great and common enemie of all goodneſſe, and good men, and it is not ſafe that ſuch a Viper ſhould be neare his Majeſties perſon, to diſtill his poyſon into his ſacred eares, nor is it ſafe for the Common-wealth, that he ſit in ſo eminent a place of government being thus accuſed; wee know what we did in the Earle of *Straffords* caſe: this man is the corrupt fountaine that hath infected all the ſtreames, and till the Fountaine be purged, we can never expect or hope to have cleare channels, I ſhall be therefore bold to offer my opinion, and if I erre, it is the error of my judgement, and not my want of zeale and affection to the publique good. I conceive it is moſt neceſſary and fit, that we ſhould now take up a reſolution to doe ſomwhat, to ſtrike while the iron is hot, and to goe up to the Lords in the names of the Commons of this Houſe, and in the names of the Commons of *England*, and to accuſe him of high Treaſon, and to deſire their Lordſhips his perſon may be ſequeſtred, and that in convenient time wee may bring up his charge.

FINIS.

A Meſſage ſent from the Queenes Majeſtie to the Houſe of Commons by Mr. Comptroller.

5°. Febr. 1640.

THat her Majeſtie hath beene ready to uſe her beſt endeavours for the removing of all miſunderſtanding between the King and people.

That at the requeſt of the Lords, who petitioned the King for a Parliament, her Majeſtie at that time writ effectually to the King, and ſent a Gentleman expreſly to perſwade the King to the holding of a Parliament.

That ſhee hath ſince beene moſt willing to doe all good Offices betweene the King and his People, which is not unknowne to divers of the Lords, and ſo ſhall ever continue to doe, as judging it the onely way of happineſſe to the King, her ſelfe, and Kingdome,

That all things be juſtly ſetled betweene the King and his people, and all cauſe of miſunderſtanding taken away and removed.

That her Majeſtie having taken a knowledge, that having one ſent to her from the Pope, is diſtaſtfull to this Kingdome, She is deſirous to give ſatisfaction to the Parliament, which in convenient time ſhee will doe, and remove him out of the Kingdome.

That underſtanding likewiſe that Exception had beene taken to the great reſort to the Chappell of *Denmark* Houſe, ſhee will be carefull not to exceed that which is convenient and neceſſary for the Exerciſe of her Religion.

Shee further taketh notice, that the Parliament is not ſatisfied

tisfied with the manner of raiſing mony, for the aſſiſtance of the King in his Journey to the North, in the yeare 1639, at her entreaty from the Catholiques. Shee was moved thereunto meerely out of her deere and tender affection to the King, and of the Example of other his Majeſties Subjects. She ſeeing the like forwardneſſe, ſhee could not but expreſſe her forwardneſſe to the aſſiſtance of the King.

If any thing be illegall, ſhee was ignorant of the Law, and was carried therein onely out of a great deſire to be aſſiſting to the King in ſo preſſing an occaſion, but promiſeth to be more cautious hereafter, not to doe any thing, but may ſtand with the eſtabliſhed Lawes of the Kingdome.

Her Majeſtie being deſirous to imploy her whole power to unite the King and people, deſireth the Parliament to looke forwards, and paſſe by ſuch miſtakes and errors of her Servants, as may be formerly committed. And this your reſpect ſhee promiſeth, ſhall be repayed with all the good Offices ſhee can doe to the Houſe, which you ſhall finde with reall effects, as often as there ſhall be occaſion.

(***)

FINIS.

The Report of the Kings Meſſage by the Lords to the Houſe of Commons.

January 25. 1640.

THat the occaſion of his Majeſties taking Knowledge of the Conviction of *John Goodman* the Prieſt lately reprived, was upon the conſtant order that hath beene taken for divers yeares, that the Recorder hath at the end of every Seſſions attended his Majeſtie with the names of the perſons convicted, with an expreſſion of their offences, to the end that his Majeſtie might be truly enformed of the Natures of their Crimes, and conſequently not to be enduced by information, to reprive ſuch as were fit for grace and mercy: And thereupon that he was lately Condemned for being in order of a Prieſt meerely, and was acquited of the Charge of perverting the Kings people in their beliefe, and had never [illegible] Condemned or Baniſhed before, His Majeſtie is tender in matter of blood in Caſes of this nature, In which Queene *Elizabeth* and King *James* have beene often merciſull: but to ſecure his people that this man ſhall doe no more hurt, Hee is willing that he be impriſoned or baniſhed as their Lordſhips ſhall adviſe. And if he returne into the Kingdome, to be put to Execution without delay. And Hee will take ſuch fit courſe for the expulſion of other Prieſts and Jeſuites, as Hee ſhall be councelled unto by your Lordſhips, And that Hee doth not intend by this particular Mercie, to leſſen the force of the Lawes.

FINIS.

SIR THOMAS ROE his Speech in Parliament, 1640.

IT is a generall opinion that the trade of *England* was never greater; and it may be true, that if it be ſo, yet it will not abſolutely conclude that the Kingdome doth increaſe in riches: for the Trade may by very aboundant, and yet, by conſumption and importance of more than is expected, the ſtocke may waſte.

The Ballance would be a true ſolution of the Queſtion, if it could be rightly had: but by reaſon it muſt be made up by a *Medium* of the Books of Rates, it will be very uncertaine.

Therefore we muſt ſeeke another rule that is more ſenſible, upon which wee may all judge, and that may be by the plenty or ſcarcity of money; for it is a true rule, If money increaſe, the Kingdome doth gaine by Trade; if it be ſcarce, it loſeth.

Let us therefore conſider, firſt, whether our Gold and Silver be not decreaſed, and then by what meanes it is drayned, and laſtly, how it may be prevented, and what Remedies are appliable to effect it.

It is out of doubt our Gold is gone to travaile without Licence, that is viſible beyond Seas, and every re-

ceiver of ſummes of money muſt find it privately: and I feare the ſame of Silver; for, obſerving the ſpecies of late Coyning, many halfe Crownes were ſtamped which are no more to be ſeene; and by this meaſure I conclude the Kingdome growes poore.

The cauſes of this decay of Money may be many; It may be ſtolne out for profit, going much higher beyond Seas, eſpecially in *France* and *Holland*.

Much hath been drawn away by the Stranger upon feares of our Troubles, of which I have experience by Exchanges, and Exchanges are the great myſtery, eſpecially ſuch as are uſed as a Trade, and governed by Bankers, who make many returnes in a yeare, and gaine by every one more then the intereſt of a yeare; and the greateſt danger to a State is, *when money is made Merchandize, which ſhould be but the meaſure thereof.*

And here I will propoſe a Probleme, Whether it were profitable to a Kingdome or not, that the Stranger for many yeares had a great ſtock here at intereſt, and ſtill hath ſome. I confeſſe it hath ſupplyed the neceſſities of Merchants, and helped to drive Trade: But my *Quære* is this, Suppoſe the firſt principall were truely brought in by the Stranger, yet, doubling every tenne yeares, what becomes of the increaſe? Have they not lived by our Trade and the Merchant-adventurers, and ſoaked the Kingdome of as many times principall as they have practiſed this Uſury many times ten yeares, and in the end drawne or carried all away? This is a point to a State very conſiderable.

Much Coyne hath beene drawne away without doubt by the *French*, who have brought in Wares of little bulke, perhaps without cuſtome, but of deare price, and having turned them into Gold, have returned without inveſting any part thereof; and ſuch petty Merchants cannot bee reached by the Statute of imployments.

Another

Another cauſe of ſcarcity of Coine may be the over ſtrict rule of the uncurrentneſſe of any good Coine, and that it muſt bee ſold here as bullion: in that caſe what Stranger will bring in money? *Whereas, if every good ſpecies were current according to his allay and weight in proportion to our Coyne, or rather a little higher, it would draw (namely) money by degrees into England, as lower grounds doe water from higher, though they ſee not the Channels. And wee ſee France, Holland, and Germany, admit all good Coynes, though forraigne, for and above their intrinſique value.*

But I will end this ſearch by propoſing ſome generall Remedies, for I doe now but make Eſſayes and give occaſion to more ſubtill and particular diſquiſition.

1. *To the firſt leake of ſtealing away Coyne, I would make it felony by an Act: for if a man may juſtly ſuffer death for robbing of a private man, I ſee no injuſtice nor cruelty to inflict the ſame puniſhment upon him that robs a Kingdome.*

2. *That the neighbour Princes and States doe cry up our money, and forbeare it from us, This in my judgement ought to be provided for by our Treaties, which was the old way, eſpecially of Commerce, by agreeing and publiſhing of Placarts according to a true Par: For that Prince that will make a treatie of Commerce, doth it for the uſe of the commoditie; which certainly I would deny any Prince that would not conſent to keeep moneyes even by their true values, at leaſt, that would ſet a higher price upon our money then the King hath done: And if our Coyne did either keep beyond the Seas the Engliſh value, or were bullion and uncurrent, the ſtranger ſhould have as little of our money, as we have of theirs.*

How to recover the ſtrangers money, drawne away ſince our troubles, is a hard endeavour, and can no wayes be brought to paſſe but by peace and Trade: and

the reſolution of this will fall into the generall remedy which I ſhall propoſe.

The pedling *French* Trade muſt bee met with by diligent ſearch at the landing of theſe *Creamers*, what they bring in, and by ſuffering none of them to paſſe any goods by private Warrants: but that according as they ſhall be valued, they give bond to inveſt it in *Engliſh* Commoditie, naturall, or naturalized, and that with ſurety: *Nay in this Caſe not to allow them exchange by bills; for it will not hurt the Common-wealth if by any rigour they were beaten out of their private toyiſh traffique.*

I ſhall not doubt to offend any but the Mint, which may be recompenced to his Majeſty in his cuſtomes, if money bee plentifull; for all goods will follow money. *If I did propoſe the currentneſſe of all goods,* and great ſpecies of forraigne Coins, for their true intrinſique value, according to the pay with ours, and if *I ſay* a little higher, according to occaſions, keeping our owne Coine pure and conſtant to bee cryed downe as much under according to occaſions, I thinke it will bee a policy both reaſonable and profitable, by experience tryed in other States.

But leaving theſe Empiricall practiſes, I come now to the great and infallible Rule and Remedy, which is, in plaine Engliſh, to ſettle and aſſure the ground of Trade upon ſtaple Commodities; then, like the Lady of *Whitſontide* to her Pipe, money will dance after that; for as Merchandize doth follow money, ſo doth money Commodity.

I ſaid at firſt, it was a generall opinion, that Trade never flouriſhed more then now, and it may be ſo; but wee muſt conſider this be not accidentall and changeable, and depending more upon the iniquity or miſery of the times, then upon our owne Foundation and induſtry; and if that bee ſo, then it is no ſure ground for

a ſtate

a ſtate to rely upon; for if the cauſes change, the effects will follow.

Now it is true, that our great Trade depends upon the troubles of our Neighbours, and wee enjoy almoſt the Trade of Chriſtendome; but if a peace happen betwixt *France*, *Spaine*, and the united Provinces, all theſe will ſhare what wee now poſſeſſe alone, and therefore wee muſt provide for that day; for nothing ſtands ſecure but upon his owne foundation.

To make then our owne Trade ſecure, wee muſt conſider our own ſtaple-commodities, whereof Wooll is the chiefeſt, and ſeeke the way to both, to keepe up the price at home, and the eſtimation of all commodity made of that, and to be vented abroad.

Some other helpes we have, as Tynne Lead, and ſuch like; but I dare confidently affirme, *That nothing exported of our owne growth hath ballanced our Riotous conſumption at home, but thoſe forraigne commodities, which I call naturalized, that is, that ſurplus of our Eaſt-India Trade, which being brought home in greater quantity then are ſpent within the Kingdome, are exported againe, and become in value as naturall commodities: and therfore, by the way, I hold it abſolutely neceſſary to maintaine that Trade by a Regulation with the Dutch; of which more reaſon ſhall be given, when that particular ſhall be taken into conſideration.*

We have yet another great helpe which is our owne, and wants onely our induſtry to gather the harveſt; which is our Fiſhing and erecting of Buſſes, both for the enriching of our Kingdome, and the breeding of Mariners; *and this by private induſtry (though to private loſſe) is beaten out ready, and ſhall bee offered to the Commonwealth, if they pleaſe to accept of it: and to give you one onely encouragement, I doe avow that before the* Dutch *were lately interrupted by the* Dunkerks, *by their induſtry, and our fiſh, they made as great Returnes betweene* Danſick *and* Naples *as the value of our Cloth, which is one million yeare-*

ly: and this in a due place I deſire ſhould have his due weight and conſideration.

We have one helpe more, if we knew how to uſe it, *that is, by the new drained Lands in the Fens, moſt fit for Flax and Hempe, to make all ſorts of Linnen for the body, for the houſe, and ſayles for ſhips, that is a* Dutch *and* French *Trade; but in* Holland *one Acre of Ground is rented at three pounds, which if the* Hollanders *may have in the Fens for* 10. s. *or* 12. s. *it will bee eaſie to draw the manufacture into England, which will ſet infinite people a-worke, and we may be able to ſerve other Nations with that which we buy deare from them*, and then the ſtate and Kingdome will be happy and rich, when the Kings cuſtomes ſhall depend upon commodities exported, and thoſe able to returne all things which wee want; and then our money muſt ſtay within our Kingdome, and all the trade returne in money. To incourage you to this, I give you one Example.

That if the ſeverall ſorts of *Callicoes*, made of *Cotton-Woolls* in the *Moguls* and *Dans* Dominions, doth cloathe from head to foot all *Aſia*, a part of *Europe*, *Ægypt*, much of *Africa*, and the *Eaſterne Iſlands* as *Sumatra*, which makes that Prince without Mines the richeſt Prince in the world; by his Majeſties Grace and Priviledges granted to the *Dutch*, I am confident wee may make an underſell in all Linnen cloath in all the Nations in *Europe*.

But I have now wandred far from my Theme, which was the decay of Trade and of Woollen commodity.

I muſt firſt therefore preſent to your conſideration the cauſes thereof in my obſervations; whereof ſome are internall, and ſome externall.

The internall have proceeded from her owne falſe making, as ſtretching, and ſuch like practiſes, whereby indeed our Cloath is diſcredited; I ſpeake by experience,

rience, from *Danſick* and *Holland*, Northward, to *Conſtantinople*; as I will inſtance in due time.

This falſe Lucre of our owne, and the interruption in the dying and dreſsing (projected and not overcome) gave the firſt wound, though, could it have been compaſſed, it had doubled the value of our Commodity.

This hath cauſed the *Dutch*, *Sileſians* and *Venetians* to attempt the making of Cloath, and now, by experience (as I am informed) *the halfe is not vented, that was in the former Age.*

Another internall cauſe hath riſen from ſuch Impoſitions, as hath made our cloth too deare abroad, and conſequently taught others to provide for themſelves.

Another internall cauſe hath ſprung from preſſaries upon tender Conſciences, that many of our Clothiers and others have forſaken the Kingdome, and carried their Arts with them, to the unexpreſſible detriment of the Commonwealth.

The externall cauſes have beene the want of perfection, and countenance to our Merchants eſtabliſhed abroad in Factories by the State and by the Treaties, whereby the Capitulations have not beene kept nor aſſured unto them, neither in *Pruſſia*, nor in the *Sound*, nor *Hamburgh*, nor *Holland*, nor in the Eaſt: And this I dare ſay, *that Laban never changed Jacobs wages, ſo often as the Hollanders have forced our Merchants to change their reſidences*, and the very courſe of this Trade by Lawes and Tricks for their own advantage; of which the Merchant-adventurers will more fully informe you.

Another externall cauſe is lamentable. *Report, the increaſe of the Pyrates, and the inſecurity of the Mediterranean Seas; whereby Briſtow and the Weſterne Ports, that cannot have ſo great ſhipping as* London, are beaten out of Trade and fiſhing: and if once thoſe Theeves ſhall find the

the way to Banke and new-found Land, they will undoe the Weſt parts of *England*.

I will trouble you with a Conſideration very conſiderable in our Government, Whether indeed *London* doth not monopolize all Trade. In my opinion it is no good ſtate of a body to have a fat Head, thin Guts, and leane Members.

But to bring ſomething before you of Remedy, I ſay thus for my firſt ground, That if our Cloth be not vented as in former yeares, let us imbrace ſome other way to ſpend and vent our Wools. *Cloth is a* heavy and hot wearing, and ſerves but one cold corner of the World: But if we imbrace the new Draperies, and encourage the Wallons and others, by Priviledges and Naturalizations, wee ſhall imploy all the wooll wee have, ſet more people a worke then by Cloth, and a pound of wooll in thoſe ſtuffes true made, will out-ſell two pounds in Cloth. *And thus wee may ſupply France, Italy, Spain, Barbary, and ſome parts of Aſia, by ſuch light and fine ſtuffes as will fit thoſe warmer Regions, and yet have ſufficient for the cold Clymates to be ſpent and adventured in true made Cloth, by the reputation both of our Nation and commodity.*

But in this courſe, I muſt obſerve, that theſe ſtrangers ſo fit to be nouriſhed, and being Proteſtants, may have priviledges to uſe their owne rights in Religion, ſo as they be not ſcandalous, as the Dutch and French had granted unto them by Queen *Elizabeth*. And certainly the ſetling of Religion ſecure in *England*, the feare whereof made many weake minds to waver and abandon this Countrey, is, and will be a great meanes to reſettle both the great and leſſer manufactures of woollen commodities.

For the externall cauſes, wee muſt flye to the Sanctuary of his Majeſties gracious goodneſſe and protection, who, I am confident, when the whole buſi-

neſſe

neſſe ſhall be prepared for him, and that we have ſhewed him our duty and love, and ſettled his cuſtoms in ſuch a bountifull way as hee may reape his part of the fruit of Trade; I am confident, I ſay, that he will vouchſafe you all favour fit to be conferred upon good Subjects, and not onely protect you abroad by his forces and authority, and by treaties with his neighbours, but by increaſing the priviledges of Merchants at home, and confirming all their Charters; the breach whereof hath beene a great diſcouragement unto them, and without which duely obſerved, they cannot regulate their Trade.

There are ſome particulars in the *Spaniſh* Trade, perhaps worthy of animadverſion, as under-ſelling good commodity to make money, or barter for Tobacco, to the imbaſement of our owne Staple for Smoake, which in a due place ought to bee taken into Regulation.

Another conſideration for a ground of Trade, ought to be the nature of it, with whom, and for what wee trade, and which Trade is more principally to bee nouriſhed, which, out of doubt, are the *Northern* Trades, which are the root of all other, becauſe the materials brought from thoſe parts, as from *Wx*, *Muſcove*, *Norway*, *Pruſſia*, and *Livonia*, are fundamentall and of abſolute neceſsity; for from theſe Trades we get the materials of Shipping, as Pitch, Tarre, Cordage, Maſts, and ſuch like, which inable us to all the *Southerne* Trades of themſelves, of leſſe uſe, being onely Wine, Fruit, Oranges and Curioſities for Sauces or effeminacy; but by theſe, we ſayle to the Eaſt-Indies, and may erect a Company of the Weſt-Indies, for the golden fleece, which ſhall bee prepared for you, whenſoever you are ready for ſo great a Conſultation.

The right way to nouriſh theſe *Northerne* Trades, is

by his Majeſties favour to preſſe the King of *Denmarke* to Juſtice, not to come as his intolerable Taxes newly impoſed upon Trade in the paſſage of the *Sound*; in Examples whereof, the Elector of *Brandenburgh* joyning with the King of *Poland*, hath likewiſe more then trebled the ancient and capitulated Duties; which if that they ſhall continue, I pronounce all the Commerce of the *Baltique* Sea ſo over-burthened, *That the Eaſt-land Company cannot ſubſiſt*, nor without them and the *Muſcovie* Company the Navigation, but that the materials for ſhipping will be doubled, which will eat out all Trades. I have given you but Eſſayes, and ſtrooke little ſparkes of fire before you. *My intention is but to provoke the wit and ability of others; I have drawn you a Map, wherein you cannot ſee things clearely and diſtinctly, onely I introduce matter before you: and now I have done, when I have ſhewed you the way how to enlarge and bring every particular thing into debate.*

To which end, my motion and deſire is this, That we may ſend to every ſeverall Company of Merchants trading in Companies, and under Government and Priviledges, and to aske of them, what is their Grievances in their generall Trade (not to rake into private Complaints, what are the cauſes of decay or abuſes in their Trades, and of the want of money, which is viſible and of the great loſſes, both to the Kingdome and to every particular, by the late high exchanges; and to deſire every one of theſe Companies to ſet downe their judgement in writing to the Committee by a day appointed, and having from them all the generall ſtate of the complaints ſeverally, we ſhall make ſome judgements of theſe relations one to another. this done, I deſire to require all the ſame ſeverall Companies, upon their owne papers, to propoſe to us in writing the Remedies appliable in their judgement; which materials having all together, and comparing one with another,

another, we ſhall diſcover that truth which we ſeeke; that is, whether Trade and Money decay or not, and how to remedy it.

But I have one requeſt more, and ſo I will eaſe you of my loſſe of your time: That when from all theſe Merchants we ſhall have before us ſo much matter and without ſuch variety, and perhaps not without private and partiall ends, that then you will give me leave to repreſent to you the names of ſome generall and others diſ-intereſſed and wel experienced in many particulars, who may aſſiſt our judgements in all the premiſſes, particularly in moneys and exchanges, and give us great light to prepare our reſult and reſolution to bee by the whole Houſe of Commons repreſented to his Majeſty, and for expedition, that a ſub-Committee, may be named to direct this Information from the Merchants.

THE LORD FAUKLAND His SPEECH, Concerning EPISCOPACY.

MASTER SPEAKER, he is a great ſtranger in *Iſrael* who knowes not that this Kingdome hath long laboured under many and great oppreſſions, both in religion and liberty: and his acquaintance here is not great, or his ingenuity leſſe, who doth not both know and acknowledge that a great, if not a principall, cauſe of both theſe have beene ſome Biſhops and their adherents.

Maſter Speaker, a little ſearch will ſerve to find them to have beene the deſtruction of unitie; under pretence of uniformity, to have brought in ſuperſtition and ſcandall; under the titles of reverence and decency, to have defil'd our Church; by adorning our Churches, to have ſlackned the ſtrictneſſe of that union which was formerly betweene us and thoſe of our religion beyond the ſea; an action as unpoliticke as ungodly.

Maſter Speaker, wee ſhall finde them to have Tith'd Mint and Aniſe, and have left undone the weightier works of the Law; to have been leſſe eager upon thoſe who damne our Church, then upon thoſe who, upon weake conſcience, and perhaps as weake reaſons (the diſlike of ſome commanded garment, or ſome uncommanded poſture) onely abſtained from it. Nay, it hath been more dangerous for men to goe to ſome neighbours Pariſh, when they had no ſermon in their owne, then to be obſtinate and perpetuall Recuſants; while Maſſes have been ſaid in ſecurity, a conventicle hath

hath beene a crime, and which is yet more, the conforming to ceremonies hath beene more exacted then the conforming to Chriſtianity; and whileſt men for ſcruples have beene undone, for attempts upon *Sodomie* they have onely beene admoniſhed.

Maſter Speaker, we ſhall find them to have beene like the hen in *Eſop*, which laying every day an egge upon ſuch a proportion of barly, her Miſtreſſe increaſing her proportion in hope ſhee would encreaſe her egges, ſhee grew ſo fat upon that addition, that ſhee never laid more: ſo though at firſt their preaching were the occaſion of their preferment, they after made their preferment the occaſion of their not preaching.

Maſter Speaker, we ſhall find them to have reſembled another fable, the dog in the manger; to have neither preached themſelves, nor employ'd thoſe that ſhould, nor ſuffered thoſe that would: to have brought in catechiſing only to thruſt out preaching, cryed downe Lectures by the name of Factions, either becauſe their induſtry in that duty appeared a reproofe to their neglect of it, (not unlike to that we read of him, who in *Nero's* time and *Tacitus* his ſtory was accuſed, becauſe by his vertue he did appeare *Exprobrare vitia Principis*) or with intention to have brought in darkneſſe, that they might the eaſier ſow their tares, while it was night; and by that introduction of ignorance, introduce the better that Religion, which accompts it the Mother of devotion.

Maſter Speaker, in this they have abuſed his Majeſty, as well as his people, for when they had with great wiſedome (ſince uſually the children of darkeneſſe are wiſer in their generation then the children of light; I may gueſſe not without ſome eye upon the moſt politicke action of the moſt politicke Church) ſilenced on both parts thoſe opinions which have often tormented

mented the Church, and have, and will alway trouble the ſchooles, they made uſe of this declaration to tye up one ſide, and let the other looſe, whereas they ought either in diſcretion to have beene equally reſtrained, or in juſtice to have beene equally tolerated. And it is obſervable, that that party to which they gave this licence, was that whoſe doctrine, though it were not contrary to law, was contrary to cuſtome, and for a long while in this Kingdome was no oftner preached then recanted.

The truth is, *Maſter Speaker*, that as ſome *ill* Miniſters in our ſtate firſt tooke away our mony from us, and after indeavoured to make our mony not worth the taking, by turning it into braſſe by a kind of *Antiphiloſophers-ſtone:* ſo theſe men uſed us in the point of preaching, firſt depreſsing it to their power, and next labouring to make it ſuch, as the harme had not beene much if it had beene depreſſed, the moſt frequent ſubjects even in the moſt ſacred auditories, being the *Jus divinum* of Biſhops and tithes, the ſacredneſſe of the clergie, the ſacrilege of impropriations, the demoliſhing of puritaniſme and propriety, the building of the prerogative at *Pauls*, the introduction of ſuch doctrines, as, admitting them true, the truth would not recompence the ſcandall; or of ſuch as were ſo far falſe, that, as Sir *Thomas Moore* ſayes of the Caſuiſts, their buſineſſe was not to keepe men from ſinning, but to enforme them *Quàm propè ad peccatum ſine peccato liceat accedere*: ſo it ſeemed their worke was to try how much of a Papiſt might bee brought in without Popery, and to deſtroy as much as they could of the Goſpell, without bringing themſelves into danger of being deſtroyed by the Law.

Maſter Speaker, to goe yet further, ſome of them have ſo induſtriouſly laboured to deduce themſelves from *Rome*, that they have given great ſuſpition that

in

in gratitude they deſire to returne thither, or at leaſt to meet it halfe way: Some have evidently labour'd to bring in an *Engliſh*, though not a *Roman* popery: I meane not onely the outſide and dreſſe of it, but equally abſolute; a blind dependance of the people upon the Clergie, and of the Clergie upon themſelves; and have oppoſed the papacy beyond the ſea, that they might ſettle one beyond the water. Nay, common fame is more then ordinarily falſe, if none of them have found a way to reconcile the opinions of *Rome* to the preferments of *England*; & be ſo abſolutely, directly and cordially Papiſts, that it is all that fifteene hundred pounds a yeare can doe to keep them from confeſsing it.

Maſter Speaker, I come now to ſpeake of our liberties; and conſidering the great intereſt theſe men have had in our common Maſter, and conſidering how great a good to us, they might have made that intereſt in him, if they would have uſed it to have informed him of our generall ſufferings; and conſidering how little of their freedome of Speech at *Whitehall* might have ſaved us a great deale of the uſe wee have now of it in the Parliament-houſe, their not doing this alone were occaſion enough for us to accuſe them as the betrayers, though not as the deſtroyers of our rights and liberties: Though, I confeſſe, if they had been onely ſilent in this particular, I had beene ſilent too; But, *alas*, they whoſe Anceſtors in the darkeſt times excommunicated the breakers of *Magna charta*, did now by themſelves, and their adherents, both write, preach, plot, and act againſt it, by encouraging Doctor *Beale*, by preferring Doctor *Mannering*, appearing forward for Monopolies and ſhip-mony: and if any were ſlow and backeward to comply, blaſting both them and their preferment, with utmoſt expreſsion of their hatred, the title of Puritans.

Maſter

Maſter Speaker, wee ſhall find ſome of them to have labour'd to exclude both all perſons, and all cauſes of the Clergy, from the ordinary juriſdiction of the temporall Magiſtrate, and by hindring prohibitions (firſt by apparent power againſt the Judges, and after by ſecret agreements with them) to have taken away the onely legall bound to their arbitrary power, and made as it were a conqueſt upon the common law of the Land, which is our common inheritance; and after made uſe of that power to turn their brethren out of their free-holds, for not doing that which no law of man required of them to doe; and which (in their opinions) the law of God required of them not to doe. Wee ſhall finde them in generall to have encouraged all the Clergy to ſuites, and to have brought all ſuites to the Councell-table, that having all power in *Eccleſiaſticall* matters, they laboured for equall power in *Temporall*, and to diſpoſe as well of every Office, as of every Benefice; which loſt the Clergy much revenew, and much reverence, (whereof the laſt is never given when it is ſo asked,) by encouraging them indiſcreetly to exact more of both then was due; ſo that indeed the gaine of their greatneſſe extended but to a few of that order, though the envy extended upon all.

We ſhall find of them to have both kindled & blown the common fire of both nations, to have both ſent and maintained that booke, of which the Author no doubt hath long ſince wiſh'd with *Nero*, *Utinam neſciſſem literas!* and of which more then one Kingdome hath cauſe to wiſh, that when hee writ that, hee had rather burnd a Library, though of the value of *Ptolomie's*. We ſhall finde them to have beene the firſt and principall cauſe of the breach, I will not ſay of, but ſince the pacifica tion at *Berwike*. We ſhall find them to have beene the almoſt ſole abettors of my Lord of *Strafford*,

Strafford, whileſt hee was practiſing upon another Kingdome that manner of government which hee intended to ſettle in this, where he committed ſo many, ſo mighty, and ſo manifeſt enormities and oppreſſions, as the like have not beene committed by any Governour in any government, ſince *Verres* left *Sicily*. And after they had called him over from being Deputy of *Ireland*, to bee in a manner Deputy of *England*, (all things here being govern'd by a *Juntillo*, and that *Juntillo* govern'd by him) to have aſiſted him in the giving of ſuch Councells, and the purſuing of ſuch courſes, as it is a hard and meaſuring caſt, whether they were more unwiſe, more unjuſt, or more unfortunate, and which had infallibly beene our deſtruction, if by the grace of God, their ſhare had not beene as ſmall in the ſubtilty of Serpents, as in the innocency of Doves.

Maſter Speaker, I have repreſented no ſmall quantity, and no meane degree of guilt; and truly I beleeve that wee ſhall make no little complement to thoſe, and no little apologie for thoſe to whom this charge belongs, if wee ſhall lay the faults of the men upon the order of the Biſhops, upon the *Epiſcopacy*. I wiſh we may diſtinguiſh betweene thoſe, who have beene carried away with the ſtreame, and thoſe who have beene the ſtreame that carry'd them; betweene thoſe whoſe proper and naturall motion was towards our ruine and deſtruction, and thoſe who have beene whirl'd about to it, contrary to their naturall motion, by the force and ſwinge of ſuperiour *Orbes*: and as I wiſh wee may diſtinguiſh betweene the more and leſſe guilty; ſo I yet more wiſh wee may diſtinguiſh betweene the guilty and the innocent.

Maſter Speaker, I doubt, if we conſider that if not the firſt Planters, yet the firſt Spreaders of Chriſtiani-

ty, and the firſt and chiefe Defenders of Chriſtianity againſt Hereſies within, and Paganiſme without, both with their inke and with their bloud; and the maine conducers to the reſurrection of Chriſtianity, (at leaſt) here in the reformation (and we owe the light of the Goſpell, wee now enjoy to the fire they then endur'd for it,) were all Biſhops: and that even now in the greateſt perfection of that order, there are yet ſome who have conduc'd in nothing to our late innovations, but in their ſilence; ſome, who in an unexpected and mighty place and power, have expreſſed an equall moderation and humility, being neither ambitious before, nor proud after, either of the Croſiers ſtaffe, or white ſtaffe: ſome who have beene learned oppoſers of Popery, and zealous oppoſers of *Arminianiſme*; betweene whom, and their inferiour Clergy, in frequency of preaching hath been no diſtinction; whoſe lives are untouched, not onely by guilt, but by malice; ſcarce to be equall'd by thoſe of any condition, or to be excell'd by thoſe in any Calendar. I doubt not, I ſay, but if wee conſider this, this conſideration will bring forth this concluſion, That Biſhops may be good men, and let us give but good men good rules, we ſhall have both good governours and good times.

Maſter Speaker, I am content to take away all thoſe things from them which, to any conſiderable degree of probability, may againe beget the like miſchiefes, if they be not taken away. If their temporall titles, power and employment, appeare likely to diſtract them from the care of, or make them looke downe with contempt upon their Spirituall duty, and that the too great diſtance betweene them and thoſe they governe will hinder the free and fit recourſe of their inferiours to them, and occaſion inſolence from them to their inferiours; let that be conſidered, and car'd

for;

for; I am ſure neither their Lordſhips, their judging of tythes, wills and marriages, no nor their voyces in Parliaments are *Jure divino*; and I am as ſure that theſe titles, and this power are not neceſſary to their authority, as appeares by the little they have had with us by them, and the much that others have had without them.

If their revenew ſhall appeare likely to produce the ſame effects, (for it hath beene anciently obſerv'd, that *Religio peperit divitias, & Filia devoravit matrem*;) let ſo much of that, as was in all probability intended for an attendant upon their temporall dignities, wait upon them out of the doors: Let us onely take care to leave them ſuch proportions, as may ſerve in ſome good degree to the dignity of learning, and the encouragement of ſtudents; and let us not invert that of *Jeroboam*, and as he made the meaneſt of the people Prieſts, make the higheſt of the Prieſts the meaneſt of the people.

If it be feared that they will againe employ ſome of our Lawes with a ſeverity beyond the intention of thoſe Lawes againſt ſome of their weaker Brethren; that we may be ſure to take away that power, let us take away thoſe Lawes, and let no ceremonies which any number counts unlawfull, and no man counts neceſſary (againſt the rules of *Policy*, and Saint *Paul*) be impoſed upon them. Let us conſider, that part of the rule they have hitherto gone by, that is, ſuch Canons of their owne making as are not confirm'd by Parliament, have beene, or, no doubt, ſhortly will bee by Parliament taken away: that the other part of the rule (ſuch Canons as were here received before the reformation, and not contrary to any law,) is too doubtfull to be a fit rule, exacting an exact knowledge of the Canon-law, of the Common-law, of the Statute-law knowledges, which thoſe who are thus to governe

have not, and it is ſcarce fit they ſhould have. Since therefore wee are to make new rules, and ſhall, no doubt, make thoſe new rules ſtrict rules, and bee infallibly certaine of a trienniall Parliament, to ſee thoſe rules obſerv'd as ſtrictly as they are made, and to encreaſe or change them upon all occaſions; wee ſhall have no reaſon to feare any innovation from their tyranny, or to doubt any defect in the diſcharge of their duty: I am confident, they will not dare, either ordaine, ſuſpend, ſilence, excommunicate, or deprive otherwiſe, then we would have them. And if this be beleeved, I am as confident, we ſhall not think it fit to aboliſh, upon a few dayes debate, an Order which hath laſted (as appeares by ſtory) in moſt Churches theſe ſixteene hundred yeares, and in all from Chriſt to *Calvin*; or in an inſtant change the whole face of the Church, like the ſcene of a Maske.

Maſter Speaker, I doe not beleeve them to be *Jure divino*, nay, I beleeve them not to be *Jure divino*, but neither doe I beleeve them to be *Injuriâ humanâ*. I neither conſider them as neceſſary, nor as unlawfull, but as convenient or inconvenient: but ſince all great mutations in government are dangerous, (even where what is introduc'd by that mutation, is ſuch as would have beene very profitable upon a primary foundation) and ſince the greateſt danger of mutations is, that all the dangers and inconveniences they may bring are not to be foreſeene; and ſince no wiſe man will undergoe great danger but for great neceſſity; my opinion is, that we ſhould not root up this ancient tree, as dead as it appeares, till we have tryed whether by this, or the like lopping of the branches, the ſap which was unable to feed the whole, may not ſerve to make what is left, both grow and flouriſh. And certainely, if we may at once take away both the

the inconveniences of Biſhops and the inconvenience of no Biſhops, that is of an almoſt univerſall mutation; this courſe can onely bee oppoſed by thoſe who love mutation for mutations ſake.

Maſter Speaker, to be ſhort (as I have reaſon to be after having bin ſo long,) that this triall may be ſuddenly made, let us commit as much of the Miniſters remonſtrance, as we have read, that thoſe heads both of abuſes and grievances which are there fully collected, may be marſhal'd and ordered for our debate: if upon that debate it ſhall appeare, that thoſe may be taken away, and yet the Order ſtand, wee ſhall not need to commit the *London* Petition at all: for the cauſe of it will be ended; if it ſhall appeare, that the abolition of the one cannot be but by the deſtruction of the other, then let us not commit the *London Petition*, but let us grant it.

Maſter

Mr. PYM His SPEECH, After the Articles of the Charge againſt the Earle of STRAFFORD were read.

My LORDS,

THeſe Articles have expreſt the Character of a great and dangerous Treaſon; ſuch a one as is advanced to the higheſt degree of malice and of miſchiefe: It is enlarged beyond the limits of any deſcription or definition: it is ſo hainous in it ſelfe, as that it is capable of no aggravation: a Treaſon againſt God, betraying his Truth and Worſhip; againſt the King, obſcuring the glory, and weakning the foundation of his Throne; againſt the Common-wealth, by deſtroying the principles of Safetie and Proſperitie. Other Treaſons are againſt the Rule of the Law; this is againſt the beeing of the Law: It is the Law that unites the King and his People; and the Author of this Treaſon hath endeavoured to diſſolve that Union, even to breake the mutuall, irreverſall, indiſſoluble band of protection and Allegiance, whereby they are, and I hope ever will bee, bound together.

If this Treaſon had taken effect, our Soules had been inthralled to the Spirituall Tyranny of Sathan, our Conſciences to the Eccleſiaſticall Tyranny of the Pope; our Lives, our Perſons and Eſtates to the Civill Tyranny

Tyranny of an arbitrary, unlimited, confuſed Government.

Treaſon in the leaſt degree, is an odious and a horrid Crime: other Treaſons are particular; if a Fort bee betrayed, or an Army, or any other treaſonable fact committed, the Kingdome may out-live any of theſe: this Treaſon would have diſſolved the frame and beeing of the Common-wealth; it is an Univerſall, a Catholike Treaſon; the venome and malignity of all other Treaſons are abſtracted, digeſted, ſublimated into this.

The Law of this Kingdome makes the King to be the fountaine of Juſtice, of Peace, of Protection; therefore we ſay, the Kings Courts, the Kings Judges, the Kings Lawes. The Royall Power and Majeſtie ſhines upon us in every publique bleſſing and benefit wee enjoy: but the Author of this Treaſon would make him the fountaine of Injuſtice, of Confuſion, of publike miſery and calamitie.

The Gentiles by the light of Nature had ſome obſcure apprehenſions of the Deity, of which they made this expreſsion, that hee was *Deus optimus maximus*, an infinite goodneſſe, and an infinite greatneſſe. All ſoveraigne Princes have ſome Characters of Divinity imprinted on them; they are ſet up in their dominions to bee *Optimi*, *Maximi*, that they ſhould exerciſe a goodneſſe proportionable to their greatneſſe.

That Law terme, *Læſa Majeſtas*, whereby they expreſſe that which wee call Treaſon, was never more thorowly fulfilled then now: there cannot bee a greater læſion or diminution of Majeſtie, then to bereave a King of the glory of his goodneſſe. It is goodneſſe (My Lords) that can produce, not onely to his people, but likewiſe to himſelfe honour and happineſs. There are Principalities, Thrones and Dominions amongſt the Divels, greatneſs enough; but being uncapable

of

of goodneſs, they are made uncapable both of honour and happineſſe.

The Lawes of this Kingdome have inveſted the Royall Crowne with power ſufficient for the manifeſtation of his goodneſs and of his greatneſs: if more bee required, it is like to have no other effects but povertie, weakneſſe, and miſerie, whereof of late wee have had very wofull experience. It is farre from the Commons to deſire any abridgement of thoſe great Prerogatives which belong to the King; they know that their own Liberty & Peace are preſerved and ſecured by his Prerogative, & they will alwayes be ready to ſupport and ſupply his Majeſty with their lives and fortunes, for the maintenance of his juſt and lawfull Power.

This (My Mords) is in all our thoughts, in our prayers, and I hope will ſo be manifeſted in our indeavours, that if the proceedings of this *Parliament* bee not interrupted as others have beene, the King may within a few moneths bee put into a cleare way, of as much greatneſſe, plenty and glory, as any of his Royall Anceſtors have enjoyed.

A King and his People make one Body: the inferiour parts conferre nouriſhment and ſtrength, the ſuperiour ſenſe and motion: If there be an interruption of this neceſſary intercourſe of bloud and ſpirits, the whole Body muſt needs bee ſubject to decay and diſtemper; therefore obſtructions are firſt to bee removed, before reſtoratives can be applyed. This (My Lords) is the end of this Accuſation, whereby the Commons ſeeke to remove this perſon, whom they conceive to have beene a great cauſe of the obſtructions betwixt his Majeſty and his People: for the effecting whereof, they have commanded mee to deſire your Lordſhips, that their proceedings againſt him may

may bee put into as ſpeedy a way of *diſpatch*, as the courſes of Parliaments will allow.

Firſt, that hee may bee called to anſwer, and they may have liberty to reply; that there may bee a quick and ſecret examination of witneſſes, and they may from time to time bee acquainted with the depoſitions; that ſo when the cauſe ſhall bee ripe for Judgement, they may collect the ſeverall Examinations, and repreſent to your Lordſhips in one entire Body the ſtate of the Proofes, as now by mee they have preſented to you the ſtate of the Charge.

Mr. PYM his SPEECH, After the Articles of the Charge againſt Sr. GEORGE RATCLIFFE were read.

My LORDS,

BY hearing this Charge, your Lordſhips may perceive what neere conjunction there is betweene this Cauſe and the Earle of STRAFFORDS: the materials are (for the moſt part) the ſame in both: the offences of the Earle moving from an higher Orb, are more comprehenſive, they extend both to *England* and *Ireland*; theſe (except in one particular of reducing of *England* by the *Iriſh* Army) are confined within one Kingdome; the Earle is charged as an Authour, Sir GEORGE RATCLIFFE as an Inſtrument and ſubordinate Actor.

The influences of ſuperiour Planets are often augmented and inforced, but ſeldome mitigated by the concurrence of the inferiour, where merit doth ariſe not from well-doing, but from ill; the officiouſneſſe of miniſters will rather adde to the malignity of their Inſtructions, then diminiſh it, that ſo they may more fully ingratiate themſelves with thoſe upon whom they depend.

In the crimes committed by the Earle there appears more haughtineſſe and fierceneſſe, being acted by his owne principles; thoſe motions are ever ſtrongeſt which are neereſt the *Primum mobile*: But in thoſe of Sir

Sir GEORGE RATCLIFFE there ſeemes to be more baſeneſſe and ſervility, having reſigned and ſubjected himſelfe to bee acted by the corrupt will of onother.

The Earle of STRAFFORD hath not beene bred in the ſtudy and practice of the Law, and having ſtronger luſts and paſsions to incite, and leſſe knowledge to reſtraine him, might more eaſily be tranſported from the Rule; Sir GEORGE RATCLIFFE in his naturall temper and diſpoſition more moderate, and by his education and profeſsion better acquainted with the grounds and directions of the Law, was carried into his offences by a more immediate Concurrence of will, and a more corrupt ſuppreſsion of his owne Reaſon and Judgement.

My Lords, as both theſe have beene partners in offending; ſo it is the deſire of the Commons, they may bee put under ſuch tryall and examination, and other proceedings of juſtice as may bring them to partake in a deſerved puniſhment, for the ſafety and good of both Kingdomes.

Mr Speakers SPEECH,
At the preſenting of theſe three
Bills, viz.

An Act { For the ſhortning of *Michaelmas* Term.
For the preſſing of *Mariners* for the Kings Ships.
For the remainder of the ſix entire Subſidies.

May it pleaſe your moſt excellent Majeſty,

THE great ſecurity of the Kingdome reſts in the happy concurrence of the King and people in the unity of their hearts.

Theſe joyned, ſafety and plenty attends the Scepter; but divided, diſtraction and confuſion, as Bryers and Thorns, overſpreads, and makes the Land barren.

No peace to the King,
No proſperity to the people.

The duties and affections of your ſubjects are moſt tranſparent, moſt cleare, in the cheerfull and moſt liberall contributions, given to knit faſt this union with the bond of peace.

The treaſures of the privie Purſe, are but the ſupplies of Fancies, warranted by a common Intereſt; But the publick Tribute given by common aſſent, ſupports Royall Dignity, is ſheltred under the wings of Prerogative, and by that power covered from the eyes, from the touch of deceivers.

In theſe wee render *Caſar* what is due to *Caſar*, and tribute to whom tribute belongeth.

The proper inſcription of the Crown is born here, and cenſures thoſe malignant ſpirits that dare whiſper into the eares of ſacred Majeſty, that our ſelves onely, not your ſacred perſon, not your Royall poſterity, are the ſupreme objects of the givers.

The preſervation of the publick union, the ſupply of your Armies, the diſtreſſes, miſerable diſtreſſes of the Northern parts, the common calamities of the times begat the conſideration of this Bill (the remainder of the ſix entire Subſidies happily preſented to your ſacred Majeſty by this unworthy hand) the firſt vote advanced a credit to us to iſſue them for the uſe of your ſacred Majeſty.

The *full perfection* adds growth to that credit, and enables us to returne to your ſacred Majeſty, as to the Ocean, the Tribute due to Juſtice and Soveraignty.

Theſe are the vaſt earneſts of our deſires, which take their riſe from the due regard, from the ſafety of your Throne, of your poſterity.

Your Royall aſſent ſtamps your image here, and makes this yours, and yours onely, which I (by the commands of the Commons) humbly beſeech of your ſacred Majeſty.

THE

THE SPEECH OF Maſter Plydell, ESQUIRE.

Maſter Speaker,

I Have heard, ſince I had the honour to ſit here, many grievances preſented, and truly Sir, my heart bleeds within mee when I thinke of them, eſpecially thoſe that concerne Religion. But what ſhould I ſpeake of grievances concerning Religion, when Religion it ſelfe is beeome a grievance, nay the very Nurſe and Mother of all grievances, all ſcandalls, all reproaches?

Tantum Religio potuit ſuadere malorum.

SIR,

Not to trouble you with any long diſcourſe, if I have any ſight, that Bark both of Church and State hath a long time floated betwixt *Scylla* and *Charibdis*, Popery on the one ſide, and I know not what to call it on the other; in many reſpects both alike dangerous, unleſſe the Italian Proverb may alter the Caſe; *God defend me from my reputed friends, and I will defend my ſelfe from my profeſt enemies.*

Sir, Wee are intruſted by God, the King and the Countrey, with the managing of this Bark, fraught with

with the fortunes of three great Kingdomes: Now, ſhould wee ſo decline the former Rock, that wee daſh on the other ſide, I humbly offer it to this Honourable Aſſembly, whether ſhee might not have juſt cauſe to ſay, ſhee had changed her Pilot rather then her condition, and onely ſhifted places to finde her ruine: For Sir, there is as much beyond Truth, as on this ſide it; and would wee ſteere a right courſe, wee muſt be ſure to keepe the channell, leſt wee fall from one extreme to another; from the dotage of Superſtition, to the frenzie of Profaneneſſe; from bowing to Idols, to worſhip the Calves of our owne imaginations.

Sir, I beſeech you conſider what libellous Pamphlets are now printed, what Sermons are preached, not building hay and ſtubble, but utterly ſubverting the foundations of Truth; what irreverence in Churches, what profanation of Gods Service, to the ſcandall of Chriſtianity, the reproach of Religion, and the intolerable griefe of all good men; of which I may take up the words of *Petrus de Alraco* to the Councell of *Conſtance*; *Niſi celeriter fiat Reformatio, audeo dicere quòd licèt magna ſint quæ videmus, tamen in brevi incomparabilia majora videmus, & poſt iſta tam horrenda majora alia audiemus.*

Sir, I take God to record, I am no mans Advocate, no mans enemy, but a faithfull lover of truth and peace, and a dutifull Son of our diſtreſſed Mother, the Church of England; in whoſe behalfe, and our owne, my motion ſhall bee ſhortly this, That the Miniſters Petition, with ſo much of their Remonſtrance as hath been read, may be committed, and the reſt of it, concerning matter of Doctrine, may bee referred to ſome learned and approved Divines, who have ſpent their time in that noble ſtudy. For, give me leave to tell you, there is a *vulgus* among the Clergy, as among the Laity, *Et in utroque nil modicum*; and for theſe and all things which ſtrike

at

at the roote and branch, as they pleaſe to call it, I ſhall humbly move, that wee rather conſider how to ſatisfie the Petitioners with ſome timely declaration from both Houſes of the lawfulneſſe and conveniency of Epiſcopall Government, derived from the Apoſtles, and ſo long eſtabliſhed in this Kingdome, rather then to venture upon any alteration, the conſequence whereof the wiſeſt man cannot fore-ſee. And in truth, Sir, ſhould we once begin (for my owne part) I know not how, or where wee ſhould ſtay. Nevertheleſſe, if any one doubt the ſuperiority of Biſhops over Prieſts and Deacons in Eccleſiaſticall government, or in ordination, I ſhall be ready, whenſoever this Houſe ſhall command mee, to make it good, and I think, by as pregnant teſtimonies as wee are able to prove the difference betwixt *Canonicall* and *Apocryphall* Scripture, the neceſsity of Infants baptiſme, or that the Apoſtles were the Authors of their owne Creed. But, Sir, I hope you will ſave your ſelfe and mee that labour, and rather deviſe of ſome ſet way to bind up the Churches wounds, which (God knowes) are too wide already, that ſo the Clergy and Laity being made friends, and all reduced to the modell of our Anceſtors ſince the Reformation, we may altogether preſerve the unity of the Spirit in the bond of peace; and ſo his Majeſty having graciouſly and prudently expreſt himſelfe, I am the more confident wee ſhall not onely put an end to all miſ-intelligence betwixt Prince and People, but alſo highly advance the Proteſtant cauſe, and give a deadly blow to the See of Rome.

Sir, I humbly crave the favour of the Houſe, for God is my witneſſe, *Non potui aliter liberare animam meam.*

Maſter

Sir THOMAS ROVVES REPORTS, To the COMMONS HOUSE of PARLIAMENT. 1640.

Maſter Speaker,

I Am to make a Report of what was delivered at the conference of a Committee of both Houſes of Parliament upon Thurſday laſt.

I hope, *Maſter Speaker*, ſo much upon the favour of this Houſe that they will give mee leave to be a Reader, and that they will not expect from my age and weakneſſe a particular repetition of the ſame words, a taske too great for my memory unpractiſed for many yeares in ſuch exactneſſe; neither am I able to repreſent without diminution, that life, and grace, that thoſe relations received from ſo great abilities, deſiring their Lordſhips pardon, and your acceptance of the ſubſtance and matter, wherein I hope I ſhall omit nothing ſubſtantiall; and if I could repeate every word, yet would it want as much luſter as copies of ordinary hands, doe of the beſt originals.

My Lord Keeper did firſt let us know, that his Majeſty had commanded the Lords Commiſſioners of the great Councell, to give an account of their Treaties at Yorke and Rippon, to both Houſes; and of his Majeſties gracious intentions, in a buſineſſe ſo much importing the honour and ſafety of the Kingdome, that there might be made a faithfull relation with all

candor and clearneſſe, which was the ſumme of his Majeſties inſtructions.

His Lordſhip declaring that my Lords of the upper Houſe, for the ſaving of time, had thought fit to give this account to a Committee of both Houſes, which hath occaſioned the meeting at this Conference; and election being made of the Earle of Briſtoll by the Lords Commiſſioners, he began his Narration, directed to the Lords of the upper Houſe, and to the Knights, Citizens and Burgeſſes of the houſe of Commons: and thus the Earle of Briſtoll began;

That the Lords Commiſſioners intended not to looke further back into the buſineſſe, then the Acts of their own imployments.

They did intend to give no account of the pacification interrupted, nor war renewed; no account how the Armies in England, Ireland, and by Sea were deſigned, nor of any occaſion: They purpoſed not to lay fault upon any man, nor to enquire into the cauſe why the Scots (as they pretended from neceſsity) were drawne to enter this Kingdome, nor why the Kings Army, when ſervice was to be done, was out of the way; But that thoſe through whoſe hands theſe have paſſed, might hereafter give their own account.

His Lordſhip told us, that his Majeſty was pleaſed to call his great Councell at Yorke, to whom he made two propoſitions.

The firſt was, how his Army, which ſeemed to be in diſtreſſe for want of pay, ſhould be relieved and maintained.

To this, to ſhew their duties to the King, the Lords reſolved to ingage themſelves, and to that purpoſe to ſend choſen Deputies to London, to negotiate a ſupply.

The ſecond propoſition was, that after the Scots had paſſed Northumberland, taken Newcaſtle, and poſſeſſed the Biſhoprieke of Dureſme; they ſent a Petition

tition to his Majeſty, which containeth, in generall termes, a deſire to have their grievances taken into conſideration.

Which Petition and Anſwer thereunto was read unto us, and preſented for our clearer underſtanding. A. N. A.

Upon receipt of his Majeſties Anſwer, the Scotiſh Lords ſent his Majeſty a ſecond Petition, directed in a Letter to the Earle of Lanrick, in which they made their particular demands, and declared, that, according to his Majeſties command, they would advance no further; and this Petition was alſo read and delivered unto us, of which his Lordſhip deſired that great Aſſembly to take eſpeciall notice, for that much of the future diſcourſe would depend upon it. K. Q.

The buſineſſe thus ſtated at the great Councell, the ſecond propoſition was, what Anſwer ſhould be made to that Petionary Letter, and in what manner it ſhould be carried; In which his Majeſty required their Councell.

Whereupon the Lords replyed, that it was impoſsible for them to give any well grounded advice, unleſſe the true ſtate of his affaires, and the Condition of his Army were laid before them.

Whereupon his Majeſty commanded the Earle of Traquaire, to make the Narration of the Scotiſh buſineſſe, and their late Acts of Parliament, and the Lord Lievtenant generall, to give an account in what condition the Army ſtood, and what was anſwered by my Lord Lievtenant, was read in his owne words: N. L.

Beſides this declaration, the Earle of Briſtoll delivered upon a further enquiry, how the ſtate of the buſineſſe then ſtood:

That the Scots Army had paſſed Northumberland without reſiſtance; that they had diſputed the paſſage

of the River of Tyne at Newburne, where our horſe retyred in diſorder; that his Majeſties foot Army conſiſting of twelve or fourteene thouſand men in Newcaſtle, likewiſe retired to Yorke, whereby the Towne of Newcaſtle, a place of great conſideration, was without one ſtroke ſtricken, fallen into the Scots hands, and the Biſhopricke of Durſme drawn under Contribution.

That in this ſtate, the Gentry of the Biſhopricke repayred to Maſter Treaſurer, who carry'd them to his Majeſty, from whom they were referred to my Lord Lievtenant of the Army, who gave them this anſwer poſitively; That they could looke for no help nor protection from the King, and therefore they might uſe the beſt meanes they could to preſerve their lives and eſtates. Whereby thoſe diſtreſſed Provinces, the ancient Bulwarks of this Kingdome, full of brave and valiant men, being now fallen into the power of an Army, which of neceſsity muſt live, were forced to conſent to a contribution by Treaty, and a very heavy one, though ſuch without which the Scotiſh Army could not ſubſiſt.

The agreement was 350. *l.* a day for the Biſhopricke of Dureſme, 300. *l.* a day for Northumberland, 200. a day for the Towne of Newcaſtle, in all 850. *l.* a day; which, ſhould it continue, would amount unto 300000. *l.* for one yeare.

Theſe Gentlemen much lamented their eſtates that the Scots ſhould be irritated (as they call it) by being proclaimed Traytors.

His Lordſhip made a little digreſsion, and asked leave to ſpeake truth in ſuch language, as the Scots had preſented their ſtate unto them: That having proclamation made againſt them, being threatned with a great Army of thirty or forty thouſand men; another of ten thouſand out of Ireland, and by Parliament

ment declared Traytors and Rebels, and having heard of another Army providing, of eight or ten thouſand by ſhipping to hinder their Trade, at leaſt their Commerce with England, that they were drawne together by neceſsity, as they pretended, of defence; further alledging that it was a common diſcourſe, of which they had ſeene papers, that they ſhould bee reduced to a Province, which would be but one Summers worke; and therefore they having drawne their power together, as any Nation would doe, and being aſſembled, and their Country being poore, taking advantage of the time, and that all thoſe Armies that ſhould oppoſe them were out of the way, and thoſe unfortunate Provinces left like a liſt of Cloath; they were forced to enter in England; that thus they had lamented, and thus the ſtate ſtood before the Lords, when it was examined in the great Councell.

Thus their Lordſhips found, that the Scots had increaſed their confines neere foureſcore miles in England, and had paſſed the Rivers of Tweed and Tyne; and that the River of Tees the boundary of Yorkeſhire, (Dureſme being poſſeſſed) was not to be defended, being foordable in many places by forty horſe a front; that if the Scots ſhould paſſe that River, there was no poſsibility to hinder them from comming to Yorke, or to any part of England, without hazarding a Battell, which my Lord Lievtenant had declared unto them he would not adviſe, for though the Kings Army conſiſted of ſeventeene or eighteene thouſand good bodies of men; yet being untrained and unuſed to Armes, he would be loath to hazzard ſuch an Adventure upon them; but if they ſhould advance to Yorke, hee might make good that Citie: This being the caſe as it was preſented, my Lords adviſed his Majeſty that they conceived the fitteſt way

was, that the Scots and their grievances might bee heard.

And whereas their maine Complaint had beene, that their Petitions to his Majesty had beene conveyed by Conduits of an evill relliſh, that there might be choſen ſuch Lords Commiſſioners, of whoſe integrity they could not doubt.

Whereupon, his Majeſty was pleaſed to referre the choyce of the Commiſſioners to the great Councell, who made the election with the conſent of his Majeſty, to whom power was given, under the great ſeale of England, to heare whatſoever the Scots would lay before them; and to enter into Treatie with them, and to give ſafe conducts, and to do all things preparatory to a Treaty.

The Commiſſioners names N. B.

The firſt place of meeting was appointed at North-Allerton, but ſome inconveniences being found, it was by conſent transferred to Rippon.

For the inducement of this meeting, a Letter of the Lord Lanricks to the Scots Commiſſioners was read and given unto us. N. B.

The Treaty thus ſettled, the Lords to be imployed receiving inſtructions from his Majeſty, by the conſent of the great Councell; it was agreed they ſhould treat upon the whole buſineſſe propounded by the Scots, and left to their diſcretion to treate of a Ceſſation of Armes, as the ordinary fore-runner of all Treaties of Peace.

When their Lordſhips came to Rippon, the Ceſſation of Armes was the firſt propoſed, but being entered upon it, the Scots Commiſſioners did let their Lordſhips know, that there was ſomething neceſſary firſt to be done, that the Countreys where they lay were become poore; that they could not thinke, as their affaires ſtood, of returning home; that his Majeſty had reſtrayned them from paſsing further: ſo

that

that a Treaty in this Exigent was worſe then a Warre, unleſſe meanes might be thought upon how they might ſubſiſt; and hereupon they did propound, that if it were expected that they made no further progreſſe therein, obeying his Majeſties command, which nothing but invincible neceſsity ſhould force them to tranſgreſſe, by plundring the Countreys, they muſt have maintenance for their Army.

This motion ſeemed very ſtrange to their Lordſhips, that it ſhould be demanded to provide a maintenance for the Scots, when the Kings owne Army was in great diſtreſſe; yet the neceſsity ſeemed to be ſuch on both ſides, that the Lords appointed ſome of their Company to repaire to the King at Yorke, to acquaint his Majeſty with the Scots demand.

Upon debate of the buſineſſe, though it were of hard digeſtion to his Majeſty, the Lords, and the whole Kingdome, that they, whoſe Anceſtors had been called to adviſe upon the Ranſome of Kings, ſhould now come to conſult how to maintain an Army got into our owne bowels; Therefore, their Lordſhips would not proceed without the knowledge of his Majeſty and the great Councell; where it was found neceſſary, not for maintaining the Scots Armies (for they might eaſily ſupply their owne wants by plundring, in which courſe they might get a million, whereas five thouſand pounds would ſerve but for two months) but to preſerve the Countreys from utter ruine, and the Scots from further advancing, to give to their Lordſhips Commiſsion to treate for a competency of maintenance during the Treaty.

The firſt demand was forty thouſand pounds a moneth, which by Treaty was reduced thus: That inſtead of giving them any allowance, they ſhould bee left to their proportion of that contribution already agreed upon by the Counties, as leſſe diſhonourable

nourable then to assigne them maintenance.

N. D. E. This point being thus settled, their Lordships proceeded to the Treaty of Seisions, and both were agreed and concluded, his Lordship proposing the Articles themselves to bee read for more satisfaction.

His Lordship proceeded, that these preparatives being settled at Rippon, twenty miles from Yorke, and the time far spent, and the Parliament approaching, their Lordships resolved to bee humble suitors to his Majesty, that the generall Treaty might be transferred to London, by consent of both parties thereunto agreeing.

Here his Lordship proposed the reading of a Letter whereby this translation of the Treaty was moved, which was done and delivered unto us.

To this Letter his Majesty made a gracious answer, and consented to transferre the Treaty to London, where some of the Scots Commissioners are already arrived, and the rest within a day or two expected.

Their Lordships having proceeded in the Treaty as far as they could goe, repaired to Yorke, and both Articles concluded were read in his Majesties presence; and that they declared that they had in all things punctually observed their Instructions, whereupon his Majesty required them to give their counsell, whether he should ratifie and signe these Articles or not.

To which the Lords made answer, that they had served his Majesty in quality of Commissioners Ambassadours and had duly observed their Instructions; but now He being pleased to aske their advice, they would bee glad to serve him according to their consciences, and therefore besought his Majesty for leave to retire themselves, and consult of the businesse; to

which

which his Majeſty was graciouſly pleaſed to conſent.

Upon reſolution, conſidering the great ſtrait into which his Majeſties affaires were reduced, they concluded to adviſe his Majeſty to ſigne, and craved leave to preſent unto his Majeſty a declaration of their reaſons; which were accepted and read in the great Councell.

And their Lordſhips held it neceſſary to bee read againe in that great Aſſembly, as the reſt of their Councell. *N. G.*

Theſe reaſons being read, his Majeſty was pleaſed to ratifie the Articles in expreſſe words alſo read unto us.

His Lordſhip concluded this Narrative as the full account of the Treaty, and proceeding in it to his Majeſties ratification; and craved leave in the next place, to preſent the hard and woſull condition in which his Majeſties affaires then ſtood in the North: *N. D.*

Firſt, that by conſent a contribution of 850. *l.* a day was agreed.

That there was already ſome doubt that the Countries were not able to beare it.

On the other ſide, it was objected by the Scots, that it was impoſsible if the payment ſhould faile, to keepe their promiſe, or to obey his Majeſty, but that they ſhould be neceſsitated againſt their will to plunder the Country.

Theſe doubts conſidered, it was declared by my Lord Lievtenant, that the Counties of Cumberland and Weſtmerland being at pleaſure under the Scots power, it was reaſonable that *in ſubſidium* they ſhould contribute ſome helpe to their Neighbours: But hee declared ſince their Lordſhips coming away, the Commiſsioners left at Dureſme had written, that it

was impoſsible for them to proceed in the agreement; which if it were broken on their part, the Scots would alledge an impoſsibility to conſent to ſtarve; ſo that if ſome meanes were not found, by which thoſe Counties engaged might bee relieved, hee was affraid all their labour and Treaty would come to nothing: and this letter was read and preſented unto us.

N. H. His Lordſhip repreſented, that the Commiſsioners and all the Lords had engaged themſelves faithfully and truly to declare to the Parliament the diſtreſſe of the Counties.

Hee declared that it was far from their Lordſhips purpoſe to move any ſupply of money from the Houſe of Commons, but to lay the cauſe before them, and to leave it to their wiſedome; averring certainly that if ſome courſe were not taken, the whole kingdome would be put into diſorder; Armies would not ſtarve, retiring was not yet as hee thought in the thoughts of the Scots: Therefore they muſt plunder and deſtroy, or advance into Yorkeſhire, and ſo into England to ſeeke ſubſiſtence; the prevention whereof did highly import the King and kingdome.

His Lordſhip propoſed another, no leſſe worthy of conſideration to the whole kingdome: But if the Scots Army were provided of a competency for the eaſe of thoſe Counties, it were very ſtrange there ſhould not an equall care be had for maintaining the Kings Army that ſtands before them. He ſaid the Scots Army was ſtrong and powerfull, and little other reſiſtance againſt it, but the impediments of an Army marching in winter: But whether it were fit for a kingdome to bee truſted to accidents of Froſts, with a people bred in Swedland

and

and cold Countreys, hee left to their diſcretion.

His Lordſhip confeſſed, that the Scots had made great proteſtations, and with great execrations, averred, that they had no intent to advance forward, but returne when they ſhall have received ſatisfaction.

Yet their Lordſhips did not conceive that the kingdome ſhould relye upon promiſes or proteſtations.

Many accidents might happen when a Nation, come from a farre Countrey to a better, ſhould bee told the buſineſſe they come about was juſt and their quarrell good; who finding themſelves in a fat paſture, may pick quarrells which their Leaders, if they ſhould goe about to prevent them of the reward of their vertue and valour.

Upon theſe grounds his Lordſhip preſented to the generall conſideration the ſupply of his Majeſties Army, that it bee not disbanded; which if it ſhould come to paſſe, Yorkeſhire and other parts of England were left to the Scots diſcretion.

His Lordſhip ſaid, Hee durſt not ſay the Scots would not come forward, but that it was in their power if they would; and therefore hee recommended this repreſentation to the whole body of the kingdome, to prevent future dangers.

Hee concluded with a prayer to Almighty God, to direct the hearts of all the kingdome, and to give a bleſsing onely able to remove the great diſtractions, ſo many and ſo grievous, as under which, ſince the Conqueſt, this kingdome never laboured.

There were presented unto me two papers more, the one being Instruction from Newcastle to Sir *Thomas Hope* and others, concerning the contribution; the other an account of Arreers from the eleventh of September to the twentieth of November, which were all read unto us; nor doe I know how or to what use to imploy them.

Master

Mr. RIGBYES SPEECH, In anſwer to the LORD KEEPERS laſt SPEECH, 1640.

Maſter SPEAKER,

THough my Judgement prompts mee to ſit ſtill and be ſilent, yet the duty I owe to my King, my Countrey and my Conſcience, moves me to ſtand up and ſpeake.

Maſter Speaker, had not this Syren ſo ſweet a tongue, ſurely hee could never have effected ſo much miſchiefe to this kingdome: you know Sir, *optimorum putrefactio peſſima*, the beſt things putrefied become the worſt: and as it is in the naturall, ſo in the body politick; and whats to be done then *Maſter Speaker*, wee all know, *enſe recidendum eſt*, the ſword, Juſtice muſt ſtrike, *nè pars ſincera trahatur.*

Maſter Speaker, it is not the voice, *non vox ſed votum*, not the tongue, but the heart and actions that are to be ſuſpected: for doth not our Saviour ſay it, *Shew mee thy faith by thy workes, O Man*? Now, *Maſter Speaker*, hath not this kingdome ſeene, (ſeene ſay I?) nay felt and ſmarted under the cruelty of this mans Juſtice? ſo malicious as to record it in every Court of Weſtminſter; as if hee had not beene contented with the enſlaving of us all, unleſſe hee entailed it to all

poſterity. Why ſhall I beleeve words now, *cum factum videam?* Shall we be ſo weake men, as when wee have beene injured and abuſed, will be gained againe with faire words and complements? Or, like little children, when we have beene whipt and beaten, bee pleaſed againe with ſweet meats? Oh no: there be ſome birds in the Summer of Parliament will ſing ſweetly, who in the Winter of Perſecution will for their prey ravenouſly fly at all, upon our goods, nay ſeize upon our perſons; and hath it not [illegible] with ſome in this aſſembly?

Maſter Speaker, it hath beene objected unto us, that in Judgement wee ſhould thinke of mercy, and *Bee yee mercifull as your heavenly Father is mercifull*; now God almighty grant that we may be ſo, and that our hearts and Judgements may be truly rectified to know truly what is mercy, I ſay to know what is mercy; for there is the point *Maſter Speaker*: I have heard of fooliſh pitty, fooliſh pitty: doe we not all know the effects of it? and I have met with this Epithete to mercy, *Crudelis miſericordia*; and in ſome kind I thinke there may be a cruell mercy: I am ſure that the ſpirit of God ſaid, Be not pitifull in Judgement, nay it ſaith, Bee not pitifull of the poore in Judgement; if not of the poore, then a *Latiori*, not of the rich; there's the Emphaſis. We ſee by the ſett and ſolemne appointments of our Courts of Juſtice, what proviſion the wiſedome of our Anceſtors hath made for the preſervation, honour and eſteeme of Juſtice, witneſſe our frequent Termes, Seſſions and Aſsiſes, and in what pompe and ſtate the Judges in their Circuits, by the Sheriffes, Knights, and Juſtices, and all the Countrey, are attended oft-times for the hanging of a poore thiefe for the ſtealing of a hog or a ſheep, nay in ſome Caſes for the ſtealing of a penny, and Juſtice too, *in terrorem*; and now ſhall not ſome of them be hanged

that

that have rob'd us of all our propriety, and ſheered at once all our ſheepe, and all we have away, and would have made us all indeed poore *Bellizaraſſes* to have begged for halfe-pennies, when they would not have left us one penny that wee could have called our owne?

Let us therefore now, *Maſter Speaker*, not be ſo pitifull as that wee become remiſſe; not ſo pitifull in Judgement, as to have no Judgement; but ſet the deplorable eſtate of Great Brittain now before our eyes, and conſider how our moſt gracious Soveraigne hath beene abuſed, and both his Majeſty and all his Subjects injured by theſe wicked Inſtruments; for which my humble motion is, that with theſe particulars wee become not ſo merciſull, as to the generality (the whole kingdome) wee grow mercileſſe.

Fiat Juſtitia.

Maſter

Mr. VVALERS Speech, In the House of Commons, &c.

Maſter Speaker,

I Will uſe no preface, as they uſe to doe who appeare men for ſome thing to which they would perſwade and move their affections: I will onely propoſe what I conceive fit for the Houſe to conſider, and ſhall be no more concerned in the event then they that ſhall heare mee.

Two things I obſerve in his Majeſties demands:

Firſt, the ſupply,

Secondly, our ſpeedy diſpatch thereof.

Touching the firſt, his Majeſties occaſions for mony are but too evident; for to ſay nothing how wee are neglected abroad, or diſtracted at home, the calling of this Parliament and our ſitting here (an effect which no light cauſe could in theſe times have produced) is enough to make any reaſonable man beleeve that the Exchequer abounds not ſo much in money, as the State in occaſions to uſe it; and I hope we ſhall all appeare willing to diſprove thoſe who have thought to diſſwade his Majeſty from this way of Parliament, as doubting and uncertaine, and to let him ſee that it is as ready and more ſafe for the advancement of his affaires, then any new or pretended old way whatſoever.

Now

Now (*Maſter Speaker*) for the ſpeedy diſpatch requi-
red, which was the ſecond thing, not onely his Maje-
ſtie but *res ipſa loquitur*; the occaſion ſeemes to im-
portune no leſſe: neceſsity is come upon us like an
armed man, and yet the uſe of Parliaments hereto-
fore, (which appeare by the writs that call us hither)
was to adviſe with his Majeſty of things concerning
the Church and common-wealth.

And, *Maſter Speaker*, it hath ever been the cuſtome
of Parliaments, to good and wholeſome lawes to re-
freſh the Common-wealth in generall, yea and to
deſcend into the remedies of particular grievances,
before any mention made of ſupply. Looke backe
upon the beſt Parliaments, and ſtill you ſhall finde that
the laſt Acts are the free gift of the Subſidies on the
peoples part, and generall pardons on the Kings part;
even the wiſeſt Kings have acquainted their Parlia-
ments with their deſignes, and the reaſons thereof, and
then demanded the aſsiſtance both of their counſell
and their purſes: But (*Maſter Speaker*) Phyſicians
(though they be called of the lateſt) muſt not ſtomach
it, or talke what might have beene, but apply them-
ſelves roundly to the cure; let us not ſtand too nicely
upon circumſtances, nor too rigidly poſtpoſe the mat-
ter of ſupply, to the healing of our lighter wounds.
Let us doe what poſsibly may be done with reaſon
and honeſty on our parts to comply with his Majeſties
deſires, and to prevent the imminent ills which
threaten us: but conſider (*Maſter Speaker*) that they
that thinke themſelves undone can never apprehend
themſelves in danger, and they that have nothing left
can never give freely, nor ſhall we ever diſcharge the
truſt of thoſe that ſent us hither, or make them be-
leeve that they contribute to their owne defence and
ſafety, unleſſe his Majeſty be pleaſed, firſt to reſtore
them to the propriety of their goods and lawfull liber-

ties, whereof they esteeme themselves now out of possession. One need not tell you that the propriety of goods is the mother of courage, and nurse of industry, makes us all valiant in war, and good husbands in peace: the experience I heare of former Parliaments, and my present observation of the care the Countrey hath had to choose persons of worth and courage, makes mee thinke this House like the Spartans, whose forward valour required some softer musicke to allay and quiet their spirits, too much moved with the sound of martiall Instruments. 'Tis not the feare of imprisonment, or, if need be, of death it selfe that can keepe a true hearted English-man from the care to leave this part of his inheritance as intire to posterity as hee received it from his Ancestors.

This therefore let us first doe, (and the more speedily,) that we may come to the matter of supply; let us give new force to the many lawes which have beene heretofore made for the mainteining of our rights and priviledges, and to restore this Nation to the fundamentall and vitall liberties, the propriety of our goods, and freedome of our persons; no way doubting but we shall find his Majesty as gracious and ready, as any of his Royall progenitors have beene, to grant our just desires therein: for, not onely the people doe thinke, but the wisest doe know, that what wee have suffered, wee have suffered from his Ministers. That the person of no King was ever better beloved of his people, and that no people were ever more unsatisfied with the wayes of levying moneys, are two truths which may serve one to demonstrate the other; for such is their accession to the present courses, that neither the admiration they have of his Majesties native inclination to Justice and Clemency; nor the pretended consent of the Judges, could make them willingly

willingly ſubmit themſelves to this late tax; and ſuch their naturall loves, and juſt eſteeme of his Majeſtie goodneſſe, that no late preſſure could provoke them, nor any example invite them to diſloyalty or diſobedience. But what is it then hath bred this miſunderſtanding betwixt the King and his people? How is it that having ſo good a King, wee have ſo much to complaine of? Why (*Maſter Speaker*) wee are told of the ſonne of *Solomon* that hee was a Prince of a tender heart, and yet wee ſee, by the advice of violent counſels, how rough an anſwer he gave to his people. That his finger ſhould bee as heavy as his fathers loynes, was not his owne, but the voyce of ſome perſons about him, that wanted the gravity of moderation requiſite for the Counſellors of a young King. I love not to preſſe Allegories too far; but the reſemblance of *Jobs* ſtory with ours holds ſo well that I cannot but obſerve it to you. It pleaſed God to give his Enemy leave to afflict him more then once or twice, and to take all hee had from him, and yet he was not provoked to rebell ſo much as with his tongue, (although hee had no very good example of one that lay very neere him,) and felt not halfe that which he ſuffered. I hope his Majeſty will imitate God in the benigner part too, and as he was ſevere to *Job* onely while hee diſcourſed with another concerning him, but when hee vouchſafed to ſpeake himſelfe unto him, began to rebuke thoſe who had miſtaken and miſ-judged his Caſe, and to reſtore the patient man to his former proſperity: ſo now, that his Majeſty hath admitted us to his preſence, and ſpoken face to face with us, I doubt not but wee ſhall ſee fairer dayes, and be as rich in the poſſeſſion of our owne as ever wee were. I wonder at thoſe that ſeeme to doubt the ſucceſſe of this Parliament, or that the miſunderſtanding betwixt the King and his People ſhould laſt any longer, now

they have ſo happily met. His Majeſties wants are not ſo great, but that we may find meanes to ſupply him; nor our deſires ſo unreaſonable, or ſo incompetible with government, but that his Majeſty may well ſatisfie them. For our late experience (I hope) will teach us what rocks to ſhunne, and how neceſſary the uſe of moderation is. And for his Majeſty, he hath had experience enough how that proſpers which is gotten without the concurrent good will of his people: never more money taken from the Subject, never more want in the Exchequer. If we looke upon what we have payd, it is more then ever the people of England did in ſuch a time; if we looke upon what hath beene effected therewith, it ſhewes as if never King had beene worſe ſupplyed; ſo that we ſeeme to have acted *Belids* part, whoſe puniſhment was to endevour the filling of a Sive with water. Whoſoever gave advice for theſe courſes, hath made good the ſaying of the wiſe man, *Qui conturbat domum ſuam poſſidebit ventum.* By new wayes they think to accompliſh wonders, but in truth they graſpe the winde, and are in the meane time *ſævus ambobus Achilles*, cruell to us, and to the King too: for if the Common-wealth flouriſh, then hee that hath the Soveraignty can never want nor doe amiſſe, ſo as hee governe not according to the intereſt of others, but goe the ſhorteſt and the ſafeſt wayes to his owne and the common good, with regard how they ſtand in order to any private mans deſires, or a preſervation. The Kings of this Nation have alwayes governed by Parliaments: And if wee looke upon the ſucceſſe of things ſince Parliaments were layd by, it reſembles that of the Grecians, *Ex illo fluere & retro ſublapſa referri Res Danaum*, eſpecially on the Subjects parts; for though the King hath gotten little, they have loſt all: but his Majeſty ſhall heare the truth from us, and wee ſhall make

make to appeare the errors of Divines, who would perſwade us that a Monarch can be abſolute, and that he may doe all things, *ad libitum*, receding not onely from their text, (though that be a wandring too) but from the way which their owne profeſsion would teach them, *Stare ſuper vias antiquas*, and remove not the ancient bounds and land-markes which our Fathers have ſet. If to be abſolute were to be reſtrained by no lawes, then can no King in Chriſtendome be ſo, for they all ſtand obliged to the Lawes Chriſtian, and we aske no more: For to this Pillar are our priviledges fixt, our Kings at their Coronation taking a ſacred oath not to infringe them. I am ſorry theſe men take not more care of informing our faith of thoſe things which they tell us for our ſoules health, whiles we know them ſo manifeſtly in the wrong, in that which concerns the liberties & priviledges of the Subjects of England: But they gaine preferment, and then 'tis no matter, though they never beleeve themſelves nor are beleeved of others. But ſince they are ſo ready to let looſe the Conſcience of our Kings, we are the more carefully to provide for our protection againſt this Pulpit-Law, by declaring and re-inforcing the Municipall Lawes of this kingdome. It is worth the obſerving how new this opinion is, or rather this way of riſing, even amongſt themſelves. For, Maſter *Hooker*, who ſure was no refractory man (as they terme it) thinkes that the firſt Government was arbitrary, untill it was found, that to live by one mans will became the cauſe of all mens miſeries, (theſe are his words;) and that this was the originall of inventing Lawes. And (*Maſter Speaker*,) if we looke further back, our Hiſtories will tell us that the Prelates of this kingdome have often beene the mediators betweene the King and his Subjects, to preſent and pray redreſſe of their grievances, and had reciprocally

then as much love and reverence from the People: but theſe Preachers, more active then their Predeceſſors, and wiſer then the Lawes, have found out a better forme of Government; the King muſt bee more abſolute Monarch then any of his Predeceſſors, and to them hee muſt owe it, though in the meane time they hazzard the hearts of his people, and involve him into a thouſand difficulties. For, ſuppoſe this forme of Government were inconvenient, and yet (*Maſter Speaker*) this is but a ſuppoſition, for theſe five hundred yeares it hath not onely maintained us in ſafety, but made us victorious over other Nations; but (I ſay) ſuppoſe they have another Idea of one more convenient, wee all know how dangerous Innovations are, and what hazzard thoſe Princes runne, that enterpriſe the change of a long eſtabliſhed Government. Now (*Maſter Speaker*) of all our Kings that have gone before, and of all that are to ſucceed in this happy race, why ſhould ſo pious and ſo good a King bee expoſed to this trouble and hazzard? beſides that, Kings ſo diverted can never doe any great matter abroad. But (*Maſter Speaker*) whiles theſe men have thus bent their wits againſt the Lawes of their Countrey, whether they have neglected their owne Province, and what Tares are growne up in the field which they ſhould have tilled, I leave it to a ſecond conſideration; not but that Religion ought to bee the firſt thing in our purpoſes and deſires, but that which is firſt in dignity is not alwayes to precede in order of time; for, well-being ſuppoſes a being, and the firſt impediment which men naturally indevour to remove, is the want of thoſe things without which they cannot ſubſiſt. God firſt aſſigned unto *Adam* maintenance of life, and gave him a title to the reſt of the Creatures before he appointed a Law to obſerve. And let me tell you (if our adverſaries have any ſuch deſigne)

deſigne) as there is nothing more eaſie then to impoſe Religion on a People deprived of their Liberties, ſo there is nothing more hard then to doe the ſame upon Freemen. And therefore (*Maſter Speaker*) I conclude with this motion, that an order may bee preſently made, that the firſt thing this Houſe will conſider of, ſhall be the reſtoring this Nation in generall to the fundamentall and vitall Liberties, the propriety of our goods, and freedome of our Perſons: and that then wee will forthwith conſider of the ſupply deſired; and thus wee ſhall diſcharge the truſt repoſed in us by thoſe that ſent us hither, his Majeſty will ſee that wee make more then ordinary haſte to ſatisfie his demands, and wee ſhall let all thoſe know that ſeeke to haſten the matter of ſupply, that they will ſo *far delay it, as they give interruption to the former.*

A Speech

A Speech made by the Honourable DENZELL HOLLES, Eſquire, at a Conference by a Committee of both Houſes of Parliament in the painted Chamber, *May* 4. 1641. in the preſenting of the Proteſtation.

My Lords,

THe Knights, Citizens and Burgeſſes of the Houſe of Commons, having taken into their ſerious conſideration the preſent eſtate and condition of this Kingdome, they find it ſurrounded with variety of pernitious and deſtructive deſignes, practices, and plots againſt the well-being of it, nay, the very being of it, and ſome of theſe deſignes hatched within our owne bowels, and, viper-like, working our deſtruction.

They finde Jeſuites and Prieſts conſpiring with ill Miniſters of State to deſtroy our Religion: they find ill Miniſters conjoyned together to ſubvert our Lawes and Liberties.

They find obſtructions of Juſtice, which is the life bloud of every State, and (having a free paſſage from the Soveraigne Power, where it is primarily

mainly ſeated, as the life bloud in the heart, and there derived through the ſeverall Judicatories, as through ſo many veines, into all the parts of this great collective Body) doth give warmth and motion to every part and member, which is nouriſhed and enlivened by it: but being once precluded, ſtopped, and ſeared up, as the particular muſt of neceſſity faint and languiſh, ſo muſt the whole frame of Government bee diſſolved: and conſequently Soveraignty it ſelfe, which as the heart in the body, is *Primum vivens, & ultimum moriens*, muſt dye and periſh in the generall diſſolution, and all things returne, as in the beginning, *in antiquum Chaos*.

They find the propriety of the ſubject invaded and violated, his eſtate rent from him by illegall Taxations, Impoſitions, Monopolies and Projects (almoſt upon every thing which is for the uſe of man) not onely upon ſuperfluities, but neceſſaries; and this to enrich the vermine and caterpillers of the Land, and to impoveriſh the good ſubjects, to take the meate from the children, and give it to dogges.

My Lords, If we find theſe things ſo, wee muſt conceive, they muſt bee ill counſels which have brought us into this condition: Theſe counſels have put all into a combuſtion, have diſcouraged the hearts of all true Engliſh men, and have brought two Armies into our bowels, which (as the Vulture upon *Prometheus*) eate through our ſides, and gnaw our very hearts.

Hinc dolor: ſed unde medicina?

Heretofore Parliaments were the Cabinet, the Balme of Gilead which healed our wounds, reſtored our Spirits, and made up all the breaches of the Land; But of late yeeres they have beene like the Fig-tree in the Goſpel, without efficacy, without fruit, onely deſtructive to the particular members, who diſcharge their duties and conſciences, no way beneficiall to the Commonwealth; *Nobis exitiabile, nec Reipub. profuturum*, as he ſaid in *Taeitus*; commonly taken away, as *Elias* was, with a whirle-winde, never coming to any maturity, or to their naturall end; whereas they ſhould bee like that bleſſed old man, who dyeth *(plenus dierum)* in a full age, after hee hath fought a good fight, and overcome all his enemies; as the ſhock of wheat which cometh in in due ſeaſon, to fill our Granaries with Corne, uphold our lives with the ſtaffe of bread.

For, Parliaments are our *panis quotidianus*, our true bread; all other wayes are but *Quelques choſes*, which yeeld no true nouriſhment, breede no good bloud.

This very Parliament which hath ſate ſo long, hath all this while but beaten the ayre, and ſtriven againſt the ſtreame; for I may truely ſay, winde and tide have ſtill been againſt us.

The ſame ill counſels which firſt raiſed the ſtorme, which almoſt ſhipwrackt the Commonwealth, do ſtill continue; they blow ſtrong like the Eaſt-wind that brought the Locuſts over the land.

Theſe

theſe counſels croſſe our deſignes, caſt difficulties in our way, hinder our proceedings, and make all that we doe to be fruitleſſe and ineffectuall; they make us to bee not maſters of our buſineſſe, and ſo not maſters of money, which hath been the great buſineſſe of this Parliament, that we might pay the Armies according to our promiſes and engagements.

For, (My Lords) our not effecting of the good things which wee had undertaken for the good of the Church and Common-wealth, hath wounded our reputation, and taken off from our credit.

Is it not time then (my Lords) that wee ſhould unite and concentrate our ſelves in regard of this *Antiperiſtaſis* and *circumvallation* of hurtfull and malitious intentions and practices againſt us? (My Lords) it is moſt agreeable to nature, and I am ſure, moſt agreeable to reaſon, in reſpect of the preſent conjuncture of our affaires: for one maine engine by which our enemies work our miſchiefe, is by infuſing an opinion and belief into the world, that wee are not united amongſt our ſelves; but that, like *Samſons* Foxes, we draw ſeverall waies, and tend to ſeverall ends.

To defeate then the counſels of theſe *Achitophels*, which would involve us, our Religion, our King, our Lawes, our Liberties, all that can bee neere and deare unto an honeſt ſoule, in one univerſall and generall deſolation; to defeate (I ſay) the counſels of ſuch *Achitophels*, the Knights, Citizens, and Burgeſſes of the Houſe of Commons

(knowing themſelves to bee ſpecially intruſted with the preſervation of the whole, and in their conſciences perſwaded that the dangers are ſo imminent that they will admit of no delay) have thought fit to declare their united affections, by entring into an Aſſociation amongſt themſelves, and by making a ſolemne Proteſtation and Vow unto their God, that they will unanimouſly endevour to oppoſe and prevent the counſels, and the Counſellors which have brought upon us all theſe miſeries, and feares of greater; to prevent the ends, and bring the Authors of them to condign puniſhment, and thereby diſcharge themſelves both before God and man.

The Proteſtation your Lordſhips ſhall have read unto you, together with the grounds and reaſons which have induced the Houſe of Commons to make it, which are prefixed before it by way of Preamble.

The PREAMBLE.

WEe the Knights, Citizens, and Burgeſſes of the Commons houſe in Parliament, finding, to the great griefe of our hearts, that the deſignes of the Prieſts and Jeſuites, and other Adherents to the See of *Rome*, have of late beene more boldly and frequently put in practice then formerly, to the undermining and danger of the ruine of the true reformed Proteſtant Religion in His Majeſties

Majeſties Dominions eſtabliſhed: And finding alſo that there have beene, and having juſt cauſe to ſuſpect that there ſtill are, even during this ſitting in Parliament, indeavours to ſubvert the fundamentall Lawes of England and Ireland, and to introduce the exerciſe of an Arbitrary and Tyrannicall Government by moſt pernicious and wicked Counſels, Practices, Plots, and Conſpiracies: And that the long intermiſſion, and unhappy breach of Parliaments hath occaſioned many illegall Taxations, whereupon the Subject hath been proſecuted and grieved: And that divers Innovations and Superſtitions have beene brought into the Church, multitudes driven out of His Majeſties Dominions, Jealouſies raiſed and fomented betwixt the King and His people, a Popiſh Army levied in Ireland, and two Armies brought into the bowels of this Kingdome, to the hazzard of His Majeſties Royall Perſon, the conſumption of the Revenues of the Crowne, and Treaſure of this Kingdome: And laſtly, finding great cauſe of Jealouſie, that indeavours have been, and are uſed to bring the Engliſh Army into a miſunderſtanding of this Parliament, thereby to incline that Army, with force to bring to paſſe thoſe wicked Counſels, Have therefore thought good to joyne our ſelves in a Declaration of our united affections and reſolutions.

NOte, That becauſe ſome doubts were raiſed by ſeverall perſons out of the Commons Houſe, concerning the meaning of theſe words contained in the Proteſtation lately made by the Members of that Houſe, *viz. The true Reformed Proteſtant Religion, expreſſed in the Doctrine of the Church of England againſt all Popery and Popiſh Innovations within this Realme, contrary to the ſame Doctrine*; The Houſe of Commons did declare, That by thoſe words, was and is meant only the publick Doctrine profeſſed in the ſaid Church, ſo farre as it is oppoſite to Popery and Popiſh Innovations; And that the ſaid words are not to be extended to the maintaining of any forme of Worſhip, Diſcipline, or Government, nor of any Rites or Ceremonies of the Church of England.

MY Lords, The Houſe of Commons have commanded me to preſent unto your Lordſhips this Proteſtation: Every member in that Houſe hath made it, not one refuſing it; and they have ſent it unto your Lordſhips, with an aſſurance of your Lordſhips concurrence in the ſame zeale and affection for the publick ſafety. And it is their deſire your Lordſhips would likewiſe make the ſame Proteſtation, which I humbly leave to your Lordſhips wiſdomes.

Directions

Directions for more orderly making of the foreſaid Proteſtation.

IT is thought fit that the Proteſtation which the Parliament late y[illegible]ade be taken by the Citie of *London*, in the ſeverall Pariſh Churches, in the afternoon of ſome Lords day, after Sermon, before the Congregationbee diſſolved, by all Maſters of Families, their ſons, and men-ſervants, in manner and forme following, *viz.*

Firſt, That forthwith notice of this intention bee given to theMiniſter, Church-wardens, and ſome other mee perſons of each Pariſh in *London*, Liberties, and adjacent Pariſhes, and ſome of them to give notice tothe reſt of the Pariſhioners.

Secondly, That the Miniſter be entreated (if he pleaſe) to acquaint his Pariſh in his Sermon, either forenoon or aftternoon, with the nature of the buſineſſe, more or leſſe, as hee ſhall think fit, for the better and more ſolemne taking of the ſaid Proteſtation; or if the Miniſter refuſe it, that ſome other bee intreated to preach that will promote the buſineſſe; or if neither of theſe may bee had, that ſome other convenient courſe bee taken by ſome well affected to the buſineſſe, to ſtay the Pariſh, and communicate the matter to them.

Thirdly, That the Miniſter or Miniſters of eve-

ry

ry Congregation firſt take it in his or their owne perſon, reading the ſaid Proteſtation in ſo diſtinct a voyce, that all preſent may conveniently hear it, and that all the Aſſembly preſent doe make the ſame Proteſtation diſtinctly after this manner, every man taking this Proteſtation into his hand.

I A.B. *doe in the preſence of Almighty God freely and heartily promiſe, vow, and proteſt the ſame which the leading perſon took, naming the perſon.*

Fourthly, That there be a Regiſter Book wherein every man taking this vow or Proteſtation ſubſcribe his name, with his owne hand or mark, and that the names bee taken of ſuch as doe refuſe the ſame.

Fifthly, That all the Pariſhioners aboveſaid, whether in Towne, or out of Towne, be earneſtly requeſted to bee preſent at their owne Pariſh Church in the afternoon of that Lords day whereon it ſhall be taken, that every man may take it in their owne place; and if any bee neceſſarily abſent, that they may bee deſired to take it the next Lords day after, or ſo ſoon as may bee with conveniency.

Sixthly, and laſtly, That all whom it doth not immediately concerne, bee earneſtly requeſted to depart.

FINIS.

Mr. *Grimstons* Speech in the High Court of Parliament.

M. *SPEAKER.*

THeſe Petitions which have beene now read, they are all Remonſtrances of the generall and univerſall grievances & diſtempers that are now in the State and Government of the Church and Commonwealth: and they are not them alone, But his Majeſties gracious Expreſſions the firſt day of Parliament, that calls me up to ſpeak at this preſent, contrary to my owne Intentions.

Mr. *Speaker*, his Majeſtie, who is the head of the body politique, and the Father of the Common-wealth, hath complained firſt, declaring his ſenſibleneſſe of our ſufferings, and amongſt other things, hath put us in mind of our grievances, and hath freely left it to our ſelves (for our redreſſe and repaire therein) to begin and end, as we ſhall think fit. And this drawes mee on with much cheerefulneſſe and zeale to contribute my poore endeavours to ſo great a work.

And Mr. *Speaker*, I conceive it will not be altogether impertinent for your direction and guidance in that great place, which by the favour of his Majeſtie, and this Houſe you now poſſeſſe, a little to recollect our ſelves in the remembrance of what was done the laſt Parliament, and where we ended.

It will likewiſe be very conſiderable what hath bin done ſince that Parliament, and who they are that have beene the Authors and Cauſers of all our miſeries and diſtractions, both before and ſithence.

Mr. *Speaker*, the laſt Parliament, as ſoone as the Houſe was ſetled, a Subſidiarie ayd and ſupply was propounded, and

many Arguments uſed to give the precedencie before all other matters and Conſiderations whatſoever.

On the other ſide, a multitude of Complaints and Grievances of all ſorts, aſwell concerning our Eternall as our Temporall eſtates were preſented and put in the other ballance: The wiſedome of that great Councell waighing both indifferently, and looking not onely upon the dangers then threatned from *Scotland* (which are now upon us) but likewiſe taking into their conſideration the Condition and Conſtitution of the preſent government here at home, concluded that they were in no capacity to give, unleſſe their grievances were firſt redreſſed and removed.

For Mr. *Speaker*, it then was, and ſtill is, moſt manifeſt and apparent, that by ſome *judgements lately* obtained in Court of Juſtice, and by ſome new wayes of Government lately ſtarted up amongſt us; the Law of property is ſo much ſhaken, that no man can ſay he is Maſter of any thing: But all that we have, wee hold as Tenants by courteſie, and at will, and may be ſtripped of it at pleaſure.

Yet Mr. *Speaker*, deſirous to give his Majeſtie all poſſible ſatisfaction and contentment, as well in the manner of ſupply for expedition, as in the ſubſtance and matter of it, wee confined and limitted our ſelves but to three particulars onely, and to ſuch matters as properly and naturally ſhould have reference and relation to thoſe three heads.

1. *The firſt was the priviledges of Parliament.*
2. *The ſecond matters of Religion.*
3. *The third, the propriety of our goods and Eſtates.*

And we began with the firſt, as the great Ark, in which the other two, Religion and property are included and preſerved.

Mr. *Speaker*, the violations complained of the laſt Parliament, touching our priviledges, were of two ſorts; either ſuch as had beene done in Parliament or out of Parliament.

Concerning the violations of the firſt ſort, it was reſolved by

by vote, that the *Speaker* refuſing to put a queſtion, being thereunto required by the Houſe,

Or to adjourne the Houſe upon any command whatſoever, without the conſent and approbation of the Houſe it ſelfe, were breaches and violations that highly impeached our priviledges.

And having paſſed the vote, I conceive it were fit wee ſhould now proceed a little further, and conſider of a way how to be repaired againſt them that have beene the violaters: For Execution does *animare Legem*. The putting of an old Law in Execution, you know Mr. *Speaker*, does oftentimes doe more good then the making of a new one.

As concerning the violations of the other ſort, done out of Parliament in Courts of Juſtice, and at the Councell board, where neither our perſons nor our proceeding ought to have beene controlled or medled withall; And as concerning matters of Religion, and the property of our goods and eſtates, there were divers things then likewiſe agreed upon by vote, whereupon a conference was deſired to have beene with the Lords: But what interjections and rubs wee met withall by the way, and how the Lords countervoted the precedency of our grievances, and how our Speaker was taken away from amongſt us, and what an unhappy concluſion we had at the laſt, the remembrance of it were a ſubject too ſad to begin another Parliament withall.

Therefore Mr. *Speaker*, I ſhall paſſe from what was done the laſt Parliament, and come to what hath beene done ſince that Parliament ended.

M. *Speaker*, there are ſome worthy Gentlemen now of this Houſe that were members of the laſt Parliament, that carried themſelves in the matters and buſineſſes then and there agitated and debated, with great Wiſedome, and unexampled

moderation. But what had they at laſt for all their paines, in attending the publique ſtrince of the Common-wealth. Aſſoone as ever the Parliament was ended, their Studies and Pockets were ſearched, as if they had beene Fellons and Traytors, and they committed to ſeverall Goales, with an intention I am confident of their utter ruine and deſtruction, had they not fore-ſeene a danger approaching; For Maſter *Speaker*, if I be truly informed, an information was drawne, or at leaſt, directions given for the drawing of it, againſt them in the Starre-Chamber.

Maſter *Speaker*, there hath beene ſince the laſt Parliament a Synod, and in that Synod a new Oath hath beene made and framed, and enjoyned to be taken.

Maſter *Speaker*, they might as wel have made a new Law, and enjoyned the execution of that, as enjoyned and urged the taking of the other, not being eſtabliſhed by Act of Parliament, and in point of miſchiefe, the ſafety of the Common-wealth, and the freedome and liberties of the Subject are more concerned in the doing of the one, then if they had done the other.

The next exception I ſhall take to it, is to the matter contained in the Oath it ſelfe.

Maſter *Speaker*, they would have us at the very firſt daſh ſwear in a damnable Hereſie, that matters neceſſary to ſalvation are contained in the Diſcipline of our Church.

Whereas Maſter *Speaker*, it hath ever beene the tenet of our Church, that all things neceſſary to ſalvation are comprehended and contained in the Doctrine of our Church only; And that hath alwayes beene uſed as an Argument untill this very preſent, againſt *Antidiſciplinarians*, to ſtop their mouthes withall; And therefore that for that reaſon they might with the leſſe regret and offence, conforme and ſubmit

mit themſelves to the Diſcipline of our Church.

And Maſter *Speaker*, for prevention in caſe the Wiſedome of the State in this great Councell, ſhould at any time think fit to alter any thing in the government of our Church, they would anticipate and fore-ſtall our judgements, by making us ſweare before-hand, that wee would never give our conſent to any alteration.

Nay Maſter *Speaker*, they goe a little further, for they would have us ſweare, that the government of the Church by Archbiſhops, Biſhops, Deanes, Archdeacons, &c. is *Jure divino*, Their words are, *as of right it ought to ſtand*; Whereas Maſter *Speaker*, wee meet not with the name of an Archbiſhop, or a Deane, or an Arch-deacon in all the new Teſtament. And whatſoever may bee ſaid of the Function of Biſhops it is one thing: But for their Juriſdiction it is meerely *Humana inſtitutione*, and they muſt thank the King for it.

As for their groſſe, abſurd, &c. wherein they would have men ſweare they know neither what, nor how many fathome deepe: There is neither Divinity nor charity in it, and yet they would put that upon us.

Maſter *Speaker*, what they meant and intended by this new Oath, and their Booke of Canons, and their Booke of Articles, which they would have our Church-wardens ſworne unto, to enquire of, and to preſent thereupon, I muſt confeſſe I know not, unleſſe they had a purpoſe therein to blow up the Proteſtant Religion, and all the faithfull profeſſors of it, and to advance their Hierarchie a ſtep higher, which I ſuppoſe we all feare is high enough already.

Maſter *Speaker*, they have likewiſe in this Synod granted a benevolence, but the nature of the things agrees not with the name, for in plaine Engliſh it is ſix Subſidies to be paid

by the Clergie in ſix yeares: And the penalty they have impoſed upon the refuſers, for none-payment, is to be deprived of their Functions, to be ſtripped of their free-holds, and to be excommunicated, and this Act of their Synod is not publiſhed amongſt their Canons, for which they might have ſome colourable ſeeming authority: But it comes out, in a Booke alone by it ſelfe in the Latine tongue, ſuppoſing as I conceiue that Lay-men are as ignorant as they would have them; And thus they think they dance in a Net.

And as in this, ſo in moſt of their new Canons if they bee throughly conſidered, any judicious man may eaſily diſcerne and perceive, that they doe therein like *Water-men* that looke one way and rowe another, they pretend one thing, but intend nothing leſſe; And certainly Mr. *Speaker* in this they have flowne a high pitch; For a Synod called t gether upon pretence of reconciling and ſetling Controverſies and matters in Religion, to take upon them the boldneſſe thus out of Parliament, to grant Subſidies, and to meddle with mens Free-holds, I dare ſay the like was never heard of before, and they that durſt doe this, will doe worſe if the current of their raging Tyrannie be not ſtopped in time.

Who are they (Maſter *Speaker*) that have countenanced and cheriſhed Popery and Armianiſme to that growth and heigth it is now come to, in this Kingdome?

Who are they (Maſter *Speaker*) that have given encouragement to thoſe that have boldly preached thoſe damnable Hereſies in our Pulpits?

Who are they (Maſter *Speaker*) that have given authoritry, and licence to them that have publiſhed thoſe Hereſies in Print?

Who are they (Maſter *Speaker*) that of late dayes have beene

beene advanced to any dignity or preferment in the Church, but ſuch as have beene notoriouſly ſuſpitious in their Diſciplines, corrupt in their Doctrines, and for the moſt part, vitious in their lives?

And who are they (Maſter *Speaker*) that have overthrown our two great Charters, *Magna Charta*, and *Charta de Forreſta*?

What impoſition hath beene laid downe, or what Monopoly hath beene damned in any Court of Juſtice ſince the laſt Parliament?

Hath not ſhip-money, Coale and conduct money, and money for other Military charges, beene collected and leavied, with as great violence as ever they were, in violation of our liberties, confirmed unto us in our Petition of Right; notwithſtanding all our ſupplications and complaints the laſt Parliament?

And who are they Maſter *Speaker*, that have cauſed all thoſe dangerous Convulſions, and all the deſperate unnaturall bloudy diſtempers, that are now in our body politique?

Maſter *Speaker*, I will tell you a paſſage, I heard from a Judge in the Kings-Bench. There was a poore man committed by the Lords, for refuſing to ſubmit unto a project, and having attended a long time at the Kings-Bench Barre, upon his *Habeas Corpus*, and at laſt preſſing very earneſtly to be bayled, The Judge ſaid to the reſt of his brethren, Come Brothers (ſaid he) let us Baile him, for they begin to ſay in the Towne, that the Judges have overthrowne the Law, and the Biſhops the Goſpell.

Maſter *Speaker*, I would not be miſunderſtood in what I have ſaid; for there are ſome of both functions and profeſſions, that I highly honour and reverence in my heart, for their wiſedomes and integrities. But Maſter *Speaker*, I may

ſay

ſay it; for I am ſure we have all felt it, that there are ſome of both functions and profeſſions, that have beene the Authors and cauſers of all the Miſeries, Ruines, and Calamities that are now upon us.

Maſter *Speaker*, This is the Age; This is the Age (Maſter *Speaker*) that hath produced and brought forth *Achitophells*, *Hammans*, *Woolſies*, *Empſons*, and *Dudlies*, *Tricilians*, and *Belknapps*, Vipers and Monſters of all ſorts. And I doubt not, but when his Majeſtie ſhall be truly enformed of ſuch matters, as we are able to charge them withall, wee ſhall have the ſame Juſtice againſt theſe, which heretofore hath beene againſt their Predeceſſors, in whoſe wicked ſteps they have trodden.

And therefore Maſter *Speaker*, to put our ſelves into a way for our redreſſe and reliefe, I conceive it were fit that a Committee might be named to take theſe Petitions, that have now beene read, and all others of the like nature, into their conſiderations, to the end, that the parties grieved, may have juſt repaire for their grievances; and that out of them, Lawes may be contrived, and framed for the preventing of the like miſchiefs, for the future.

FINIS.

THE LORD DIGBYES SPEECH IN THE HOVSE of Commons, to the Bill of Attainder of the Earle of STRAFFORD, the 21. Aprill. 1641.

Maſter Speaker.

WE are now upon the point of giving (as much as in us lies) the finall Sentence unto death or life, on a great Miniſter of State and Peere of this Kingdome, *Thomas* Earle of *Strafford*; a name of hatred in the preſent age by his Practices, and fit to be made a terror to future Ages by his puniſhment.

I have had the honour to bee imployed by the Houſe in this great buſineſſe, from the firſt houres that it was taken into conſideration: it was a matter of great truſt, (and I will ſay with confidence) that I have ſerved the Houſe in it with induſtry, according to my ability, but with moſt exact faithfulneſſe and ſecrecie.

And as I have hitherto diſcharged my duty to this Houſe

and to my Country, in the progreſſe of this great Cauſe; ſo I truſt I ſhall doe now in the laſt period of it, to God and to a good conſcience.

I doe wiſh the peace of that unto my ſelfe, and the bleſſings of *Almighty God* to mee and my poſterity, according as my judgement on the life of this man ſhall be conſonant with my heart, and the beſt of my underſtanding, in all integrity.

I know well Maſter Speaker, that by ſome things I have ſaid of late, whileſt this Bill was in agitation, I have raiſed ſome prejudices upon me in the cauſe.

Yea ſome (I thank them for their plaine dealing) have beene ſo free as to tell me, that I ſuffered much by the backwardneſſe I have ſhewne in this Bill of *Attainder* of the Earle of *Strafford*, againſt whom I had beene formerly ſo keene, ſo active.

Mr. *Speaker*, I beg of you and the reſt but a ſuſpenſion of judgement concerning me, till I have opened my heart unto you freely and clearly in this buſineſſe.

Truely Sir, I am ſtill the ſame in my opinions and affections, as unto the Earle of *Strafford*, I confidently beleeve him the moſt dangerous Miniſter, the moſt inſupportable to free Subjects, that can be character'd.

I beleeve his practiſes in themſelves as high, as tyrannicall, as any Subject ever ventured on, and the malignity of them hugely aggravated by thoſe rare abilities of his, whereof God hath given him the uſe, but the Devill the application. *In a word*, I beleeve him ſtil that grand *Apoſtate* to the *Common-wealth*, who muſt not expect to be pardoned it in this world, till hee be diſpatch'd to the other. And yet let mee tell you Maſter *Speaker*, my hand muſt not be to that diſpatch: *I pro-*

I proteſt, as my Conſcience ſtands enformed, I had rather mere off.

Let me unfold unto you the Myſterie, Maſter Speaker.

I will not dwell much upon juſtifying unto you my ſeeming variance at this time from what I was formerly, by putting you in mind of the difference betweene Proſecutors and Judges,

How misbecomming that fervour would be in a *Judge*, which perhaps was commendable in a *Proſecutor*. *Judges* we are now, and muſt put on another Perſonage.

It is honeſt and noble to be earneſt in order to the diſcovery of Truth, but when that hath beene brought as farre as it can to light, our judgement thereupon ought to be calme and cautious.

In proſecution upon probable grounds, we are accountable onely for our induſtry or remiſneſſe, but in judgement, we are deeply reſponſable to God Almighty, for its rectitude or obliquity. In caſes of life, the *Judge* is Gods Steward of the parties bloud, and muſt give a ſtrict account for every drop.

But as I told you Maſter *Speaker*, I will not inſiſt long upon this ground of difference in mee now, from what I was formerly.

The truth on't is, Sir, the ſame ground whereupon I (with the reſt of the five, to whom you firſt committed the conſideration of my Lord of *Strafford*) brought downe our opinion, that it was fit he ſhould be accuſed of Treaſon, upon the ſame ground I was engaged with earneſtneſſe in his proſecution, and had the ſame ground remained in that force of beliefe with me, which till very lately it did, I ſhould not have beene tender in his condemnation. But truly Sir, to deale

plainly with you, that ground of our accuſation, that ſpurre to our proſecution, and that which ſhould be the baſis of my judgement, of the Earle of *Strafford*, as unto Treaſon, is to my underſtanding quite vaniſht away.

This it was, Maſter *Speaker*.

His adviſing the King to employ the Army of *Ireland*, to reduce *England*.

This I was aſſured would be proved, before I gave my conſent to his accuſation. I was confirmed in the ſame beliefe, during the proſecution, and fortified in it moſt of all ſince Sir *Henry Vaines* preparatory examinations, by the aſſurances which that worthy member Mr. *Pymme* gave me, that his Teſtimony would be made convincing by ſome notes of what paſſed at the *Junto* concurrent with it, which I ever underſtanding to be of ſome other Counſellour, you ſee now prove but a Copie of the ſame Secretaries notes, diſcover'd and produc't in the manner you have heard, and thoſe, *Such diſjoynted fragments of the venemous part of diſcourſes, no reſults, no concluſions of Counſels, which are the onely things that Secretaries ſhould regiſter, there being no uſe at all of the other, but to accuſe and to bring men into danger.*

But Sir, this is not that which overthrowes the evidence with mee, concerning the Army of *Ireland*; nor yet that all the reſt of the *Junto* upon their oathes remember nothing of it.

But this Sir, which I ſhall tell you, is that which works with mee under favour, to an utter overthrow of his evidence, as unto that of the Army of *Ireland*: *Before, whil'ſt I was a proſecutor, and under tye of Secrecie, I might not diſcover any weakeneſſe of the cauſe, which now as a Judge I muſt.* Maſter Secretary was examined thrice upon Oath, at the preparatory Committee.

The

The firſt time he was queſtioned to all the *Interrogatories*, and to that part of the ſeventh which concernes the Army of *Ireland*, he ſaid poſitively in theſe words, *I cannot charge him with that. But for the reſt, he deſires time to recollect himſelfe, which was granted him.*

Some dayes after, he was examined a ſecond time, and then depoſes theſe words concerning the Kings being abſolved from rules of government, and ſo forth very clearely. *But being preſt to that part, concerning the* Iriſh *Army, againe can ſay nothing to that.*

Here wee thought wee had done with him, till divers weeks after, my Lord of *Northumberland* and all others of the *Junto*, denying to have heard any thing concerning thoſe words of reducing *England* by the *Iriſh* Army, it was thought fit to examine the Secretary once more, and then he depoſes theſe words to have beene ſaid by the Earle of *Strafford* to his Majeſtie: *You have an Army in* Ireland, *which you may imploy here to reduce, (or ſome word to that ſence) this Kingdome.*

Mr. *Speaker*, theſe are the circumſtances which I confeſſe with my Conſcience, thruſt quite out of dores that grand Article of our charge, concerning his deſperate advice to the King, of employing the *Iriſh* Army here.

Let not this, I beſeech you, be driven to an aſperſion upon Maſter Secretary, as if he ſhould have ſworn otherwiſe then he knew or beleeved, hee is too worthy to doe that; onely let thus much be inferr'd from it, that hee who twice upon Oath with time of recollection, could not remember any thing of ſuch a buſineſſe, might well a third time miſremember ſomewhat: and in this buſineſſe the difference of one Letter, here for there, or that for this, quite alters the caſe, the latter alſo being the more probable, ſince it is confeſt of all hands, that the debate then was concerning a warre with

Scotland, and you may remember that at the Bar he once ſaid to employ there. And thus Mr. *Speaker*, I have faithfully given you an account what it is that hath blunted the edge of the Hatchet or Bill with me towards my Lord of *Strafford*.

This was that whereupon I accuſed him with a free heart, proſecuted him with earneſtneſſe, and had it to my underſtanding beene proved, ſhould have condemned him with innocence. Whereas now I cannot ſatisfie my conſcience to doe it.

I profeſſe I can have no notion of any bodies *intent* to ſubvert the Lawes treaſonably, or by force; and this deſigne of force not appearing, all *his other wicked practiſes* cannot amount ſo high with me.

I can finde a more eaſie and more naturall *ſpring*, from whence to derive all his other Crimes, then from an intent to bring in Tyrannie, and to make his owne poſterity as well as us, Slaves, as from revenge, from Pride, from Avarice, from Paſſion, and inſolence of Nature.

But had this of the *Iriſh* Army been proved, it would have diffuſed a complexion of Treaſon, over all, it would have beene a With indeed, to bind all thoſe other ſcattered and leſſer branches, as it were into a Faggot of Treaſon.

I doe not ſay but the reſt may repreſent him a man as worthy to dye, and perhaps worthier then many a Traytor. I doe not ſay, but they may juſtly direct us to *Enact* that they ſhall be Treaſon for the future.

But God keepe mee from giving judgement of death on any Man, and of ruine to his innocent Poſterity, upon a Law made *à poſteriori*.

Let the mark be ſet on the dore where the Plague is, and hen let him that will enter dye.

I know

I know Maſter *Speaker*, there is in *Parliament* a double power of life and death by Bill, a judiciall power, and a Legiſlative: the meaſure of the one, is what's Legally juſt, of the other, what is prudentially and politickly fit for the good and preſervation of the whole. But thoſe two, under favour, are not to be confounded in Judgement. Wee muſt not peece up want of Legality with matter of convenience, nor the defailance of prudentiall fitneſſe, with a pretence of legall Juſtice.

To condemne my Lord of *Strafford* judicially as for Treaſon, my conſcience is not aſſured that the matter will bear it.

And to doe it by the Legiſlative power, my reaſon conſultively cannot agree to that, *ſince I am perſwaded, neither the Lords nor the King will paſſe the Bill, and conſequently that our paſſing it will be a cauſe of great diviſions and combuſtions in the State.*

And therefore my humble advice is, that laying aſide this Bill of *Attainder*, we may think of another, ſaving only life, ſuch as may ſecure the State from my Lord of *Strafford*, without endangering it, as much by diviſion concerning his puniſhment, as he hath endangered it by his practices.

If this may not be hearkned unto, let me conclude in ſaying that unto you all, which I have throughly inculcated to mine owne conſcience upon this occaſion. *Let every man lay his hand upon his heart, and ſadly conſider what we are going to doe, with a breath, either juſtice or murther; juſtice on the one ſide, or murther heightned and aggravated to its ſupreameſt extent.* For as the *Caſuiſts* ſay, that he who lyes with his ſiſter commits inceſt, but he that marries his ſiſter ſinnes higher, by applying Gods Ordinance to his crime: *So doubtleſſe he that commits murther with the ſword of Juſtice, heightens that crime to the utmoſt.*

The danger being ſo great, and the caſe ſo doubtfull, that I ſee the beſt Lawyers in *diametrall oppoſition* concerning it,

Let

Let every man wipe his heart, as he does his eyes, when hee would judge of a nice and ſubtile object. *The eye, if it be pretinctted with any colour, is vitiated in its diſcerning. Let us take heed of a blood-ſhotten-eye of Judgement.*

Let every man purge his heart cleare of all paſſions, (I know this great and wiſe body politick can have none, but I ſpeak to inviduals from the weakneſſe which I finde in my ſelfe.) Away with perſonall animoſities, away with all flatteries to the people, in being the ſharper againſt him, becauſe he is odious to them; away with all feares, leſt by the ſparing his bloud they may be incenſt; away with all ſuch conſiderations, as that it is not fit for a *Parliament, that one accuſed by it of Treaſon ſhould eſcape with life.*

Let not former vehemence of any againſt him, nor feare from thence, that he cannot be ſafe while that man lives, be an ingredient in the ſentence of any one of us.

Of all theſe corruptives of judgement, Mr. *Speaker*, I doe before God diſcharge my ſelf to the uttermoſt of my power.

And doe with a cleare Conſcience waſh my hands of this mans blood, by this ſolemne proteſtation, that my Vote goes not to the taking of the Earle of *Straffords* life.

FINIS.

The Two laſt SPEECHES of *Thomas Wentworth*, Late Earle of *Strafford*, and Deputy of *Ireland*.

His ſpeech in the Tower, to the Lords.

RIght Honourable, and the reſt, you are now come to convey me to my death, I am willing to dye, which is a thing no more than all our Predeceſſors have done, and a debt that our Poſterity muſt in their due time diſcharge, which ſince it can be no way avoyded, it ought the leſſe to be feared; for that which is common to all, ought not to be intollerable to any: It is the Law of Nature, the tribute of the fleſh, a remedie from all worldly cares and troubles; and to the truly penitent, a perfect path to bleſſednеſſe. And there is but one death, though ſeverall wayes unto it: mine is not naturall, but inforced by the Law and Iuſtice: it hath been ſayd that the Lawes vex only the meaner ſort of people, but the mighty are able to withſtand them: it is not ſo with me, for to the Law I ſubmit my ſelf, and confeſſe that I receive nothing but Iuſtice: for he that politikly intendeth good to a Common-weale, may be called a juſt man, but he that practiſeth either for his own profit, or any other ſiniſter ends, may be well termed a delinquent perſon; neither is delay in puniſhment any privilege for pardon. And moreover I ingenuouſly confeſſe with *Cicero*, That the death of the bad is the ſafety of the good that be alive.

Let no man truſt either in the favour of his Prince, the friendſhip and conſanguinity of his Peeres, much leſſe in his own wiſedome and knowledge, of which I ingeniouſly confeſſe I have been too confident. Kings, as they are men before God, ſo they are Gods before men, and I may ſay with a great man once in this kingdome, *Had I ſtrived to obey my God as faithfully, as I ſought to honour my King fraudulently, I had ſtood, and not fallen.* Moſt happie and fortunate is that Prince, who is as much for his juſtice feared, as for his goodnes beloved: For the greater that Princes are in power above other, the more they ought in vertue to excell other; and ſuch is the royall Soveraign whom I late ſerved.

For my Peeres, the correſpondence that I had with them during my proſperity, was to me very delightfull and pleaſing, and here they have commiſerated my ruine, I have plentifully found, who (for the moſt generous of them) I may boldly ſay, though they have deteſted the fact, yet they have pitied the perſon delinquent; the firſt in their loyaltie, the laſt in their charitie: ingenuouſly confeſſing, that never any Subject, or Peere of my rank, had ever that help of Counſell, that benefit of time, or a more free and legall tryall than I have had: of the like to which, none of my Predeceſſors hath had ſo much favor from his Prince, ſo much ſufferance from the people; in which I comprehend the underſtanding Commons, not the many headed monſter, Multitude: but I have offended, and ſentenced, and muſt now ſuffer me.

And for my too much confidence in my ſuppoſed wiſdome and knowledge, therein have been the moſt deceived: For he that is wiſe to himſelf, and knowes by others faults to correct his own offences, to be truly wiſe is to be Secretaries to our ſelves; for it is meere folly to reveale and intimate thoughts to ſtrangers: wiſdome is the moſt precious Gem with which the minde can be adorned, and learning the moſt famous thing for which a man ought to be eſteemed, and true wiſedome teacheth us to do well, as to ſpeak well: in the firſt I have failed, for *the wiſedome of man is fooliſhneſſe with God.*

For knowledge, it is a thing indifferent both to good and evill, but the beſt knowledge, is for a man to know himſelf; he that doth ſo ſhall eſteem of himſelf but little, for he conſidereth from whence he came, and whereto he muſt, he regardeth not the vain pleaſures of this life, he exalteth God, and ſtrives to live in his fear; but he that knoweth not himſelf is wilfull in his own wayes, unprofitable in his life, unfortunate in his death, and ſo am I. But the reaſon why I ſought to attain unto it was this: I have read that he th t knoweth not that which he ought to know, is a bruit beaſt amongſt men: he that knoweth more then he ought to know, is a man amongſt beaſts: but he that knoweth all that may be known, is a God amongſt men. To this I much aſpired, in this I much failed; *Vanitie of Vanities, all is but vanity.*

I have heard the people clamour and cry out, ſaying, That through my occaſion the times are bad, I wiſh that when I am dead they may prove better: moſt true it is, that there is at this time a great

great ſtorm impending (God in his mercie avert it.) And ſince it is my particular lot, lik *Jonah*, to be caſt into the ſea, I ſhall think my life well ſpent, to appeaſe Gods wrath, and ſatisfie the peoples malice.

O what is eloquence more than air? faſhioned with an articulate and diſtinct ſound, when it is a ſpeciall vertue to ſpeak little and well, and ſilence is oft the beſt oratory; for fools in their dumbneſſe may be accounted wiſe: It hath power to make a good matter ſeem bad, and a bad cauſe appear good: but mine was to me unprofitable, and like the Cypreſſe trees, which are great and tall, but altogether without fruit.

What is honour, but the firſt ſtep to diſquietneſſe? and power is ſtill waited on by envy, neither hath it any priviledge againſt infamy. It is held to be the chiefe part of honour, for a man to joyn to his office and calling, courteſie and affability, commiſeration and pity: for thereby he draweth to him with a kinde of compulſion, the hearts of the multitude. But that was the leaſt part of my ſtudy, which now makes me call to minde, that the greater the perſons are in authority, the ſooner they are catcht in any delinqueney, and their ſmalleſt crimes are ſtriven to be made capitall, the ſmalleſt ſpot ſeems great in the fineſt linnen, and the leaſt flaw is ſooneſt found in the richeſt Diamond. But high and noble ſpirits finding themſelves wounded, grieve not ſo much at their own pain and perplexity, as at the deriding and ſcoffing of their enemy: but for mine own part, though I might have many in my life, I hope to finde none in my death.

Amongſt other things which pollute and contaminate the mindes of great ſpirits, there is none more haynous than Ambition, which is ſeldome unaccompanied without Avarice: Such, to poſſeſſe their ends, care not to violate the Laws of Religion and Reaſon, and to break the bonds of modeſty and equity, with the neereſt tyes of Conſanguinity and Amity; of which as I have been guilty, ſo I crave at Gods hands forgiveneſſe. It is a Maxime in Philoſophy, that ambitious men can be never good Counſellors to Princes; the deſire of having more, is common to great Lords, and a deſire of Rule a great cauſe of their Ruine.

My Lords, I am now the hopeleſſe Preſident may I be to you all an happy example: For Ambition devoureth gold, and drinketh blood, and climbeth ſo high by other mens heads, that at the

length in the fall it breaketh its own neck: therefore it is better to live in humble content, than in high care and trouble: For more precious is want with honesty, than wealth with infamy: For what are we but meer vapours, which in a serene Element ascend high, and upon an instant, like smoke, vanish into nothing: or like Ships without Pilots, toss up and down upon the Seas by contrary windes and tempests. But the good husbandman thinks better of those ears of Corn, which bow down, and grow crooked, than those which are straight and upright, because he is assured to finde more store of grain in the one than in the other. This all men know, yet of this, how few make use? The defect whereof must be now my pain: may my suffering prove to others profit.

For what hath now the favour of my Prince, the familiarity with my Peers, the volubility of a tongue, the strength of my memory, my learning, or knowledge, my honours, or Offices, my power and potency, my riches and treasure (all these especiall gifts, both of Nature and Fortune) what have all these profitted me? Blessings I acknowledge, though by God bestowed upon man, yet not all of them together upon many: yet by the Divine providence the most of them met in me: of which had I made happy use, I might still have flourish't, who now am forc'd immaturely to fall.

I now could wish (but that *utinam* is too late) that God with his outward goodnesse towards me had so commixed his inward grace, that I had chused the *Medium* path, neither inclining to the right hand, nor deviating to the left; but like *Icarus* with my waxen wings, fearing by too low a flight to moisten them with the Waves: I soared too high, and too neer the Sun, by which they being melted; I ayming at the highest, am precipitated to the lowest: and am made a wretched prey to the Waters: But I who before built my house upon the sand, have now setled my hopes upon the Rock my Saviour: by whose onely merits my sole trust is, that whatsoever becomes of my body, yet in this bosome my soul may be Sanctuaried.

Nimrod would have built a Tower to reach up to heaven, and call'd it *Babel*; but God turned it to the confusion of Languages, and dissipation of the people. *Pharaoh* kept the Children of *Israel* in bondage, and after having freed them, in his great pride would have made them his prey; but God gave them a dry and

miraculous

miraculous paſſage, and *Pharaoh* and his hoaſt a watry Sepulcher. *Belſhazzer* feaſted his Princes and Proſtitutes, who drunk healths in the Veſſels taken from the Temple, but the hand of God writ upon the wall, *Mene, Tekel, Phoras*, and that night before morning was both his Kingdom and life taken from him: Thus God lets men go on a great while in their own devices, but in the end it prove their own ruine and deſtruction, never ſuffering them to effect their deſired purpoſes: therefore let none preſume upon his power, glory in his greatneſſe, or be too confident in his riches: Theſe things were written for our Inſtruction, of which the living may make uſe, the dying cannot; but wit and unfruitfull wiſedome are the next neighbours to folly.

There can be no greater vanity in the world, than to eſteem the world, which regardeth no man; and to make ſlight account of God, who greatly reſpecteth all men; and there can be no greater folly in man, than by much Travell to increaſe his goods, and pamper his body, and in the interim with vain delights and pleaſures, to loſe his ſoul. It is a great folly in any man to attempt a bad beginning, in hope of a good ending; and to make that proper to one, which was before common to all, is meer indiſcretion, and the beginning of diſcord, which I poſitively wiſh may end in this my puniſhment.

O how ſmall a proportion of earth will contain my body, when my high minde could not be confined within the ſpacious compaſſe of two Kingdoms? But my hour draweth on, and I conclude with the Pſalmiſt, not aymıng at any one man in particular, but ſpeaking for all in generall: *How long will you Judges be corrupted? how long will ye ceaſe to give true judgement? &c. Bleſſed is the man that doth not walk in the Counſell of the wicked, nor ſtand in the way of ſinners, nor ſit in the ſeat of the ſcornfull, therefore they ſhall not ſtand in the Judgement, nor ſinners in the Aſſembly of the righteous, &c.*

About the hours of 10 and 11 a Clock, the foreſaid Lord of *Strafford* was conveyed to the Scaffold on Tower-Hill, where was a Court of Guard made by the ſeverall Companies of Souldiers of the City of *London*, and the Hamlets of the Tower on each ſide as he paſſed to the Scaffold: before marched the Marſhals men to make way, then the Sheriffs of Londons Officers with their Halberds; after them the Kings Guard, or Warders of the Tower: Next came one of his Gentlemen, bare headed, in mourning Habit, the Lord *Strafford* following him clad in black cloth, with divers others in the ſame habit, which were his attendants; then the Lord Biſhop of *Armagh*, and other good Divines, with the

Sheriffs of London, and divers honorable perſonages.

When he came upon the Scaffold, he there ſhewed himſelf on each ſide to all the people, and made this ſhort ſpeech, with as much alacrity of Spirit as could be expreſſed. *Viz.*

The Lord *Wentworths* ſpeech on the Scaffold.

MY Lord Primate of *Ireland*, and my Lords, and the reſt of theſe noble Gentlemen, It is a great comfort to me to have your Lordſhips by me this day, becauſe I have been known to you a long time, and I now deſire to be heard a few words:

I come here my Lords to pay my laſt debt to ſin, which is death; and through the mercies of God, to riſe again in eternall glory.

My Lords, if I may uſe a few words, I ſhall take it as a great curteſie from you: I am come here my Lords, to ſubmit to the judgement that is paſſed againſt me, I do it with a very quiet and contented minde; I do freely forgive all the world, a forgiveneſſe not from the teeth outwards (as they ſay) but from my heart; I ſpeak it in the preſence of Almighty God, before whom I ſtand, that there is not a diſpleaſing thought that ariſeth in me againſt any man; I thank God, I ſay truely, my conſcience bears me witneſſe, that in all the honour I had to ſerve his Majeſty, I had not any intention in my heart, but did aime at the joynt and individuall proſperity of the King and his people, although it be my ill hap to be miſconſtrued: I am not the firſt man that hath ſuffered in this kinde, it is a common portion that befalls men in this life, righteous judgement ſhall be hereafter; here we are ſubject to errors and miſiudging one another.

One thing I deſire that I might be heard, and do hope that for Chriſtian charities ſake I ſhall be beleeved: That I was ſo farre from being againſt Parliaments, that I alwayes did think Parliaments in England to be the happy conſtitutions of the Kingdome and Nation, and the beſt means under God, to make the King and his people happy: As for my death I do hear acquit all the World, and beſeech God to forgive them: In particular, I am very glad his Majeſty conceives me not meriting ſo ſevere and heavy a puniſhment, as the utmoſt execution of this ſentence, I do infinitely rejoyce in it, and in the mercy of his, and do beſeech God to return to him the ſame, that he may finde mercy when he hath moſt need of it. I wiſh this Kingdom all

pro-

proſperity and happineſſe in the world, I did it living, and now dying it is my wiſh.

And I profeſſe heartily, and do humbly recommend it to you, and wiſh that every man would lay his hand on his heart, and conſider ſeriouſly, whether the beginning of the peoples happineſſe ſhould be written in letters of bloud. I fear they are in a wrong way: I deſire Almighty God, that no one drop of my bloud riſe up in judgement againſt them. I have but one word more, and that is for my Religion.

My Lord of *Armagh*, I do profeſſe my ſelf ſeriouſly, faithfully, and truly, to be an obedient ſonne of the Church of England: in that Church I was borne and bred, in that Religion I have lived, and now in that I dye; proſperity and happineſſe be ever to it.

It hath been ſaid I was inclined to Popery: if it be an obiection worth the anſwering, let me ſay truly from my heart, that ſince the time that I was 21. yeers of age, unto this day, going on 49. yeers, I never had thought or doubt of the truth of this Religion, nor had ever any the boldneſſe to ſuggeſt to me the contrary (to my beſt remembrance,) and ſo being reconciled to the mercies of Chriſt Jeſus my Saviour, into whoſe boſome I hope ſhortly to be gathered, to enioy eternall happineſſe, which ſhall never have end. I deſire heartily to be forgiven of every man, if any raſh or unadviſed words or deeds hath paſſed, and deſire all your prayers; and ſo my Lord farewell, and farewell all things in this world.

The Lord ſtrengthen my faith, and give me confidence and aſſurance in the merits of Chriſt Jeſus, I truſt in God we ſhall all meete to live eternally in Heaven, and receive the accompliſhment of all happineſſe, where every tear ſhall be wiped from our eyes, and ſad thought from our hearts: And ſo God bleſſe this Kingdome, and Jeſus have mercy on my ſoul.

Then turning himſelf about, he ſaluted all the Noblemen, and took a ſolemne leave of all conſiderable perſons on the Scaffold, giving them his hand:

And after that he ſaid, Gentlemen, I would ſay my prayers, and I intreat you all to pray with me, and for me; then his Chaplain laid the book of Common-prayer upon the chair before him as he kneeled down, on which he praied almoſt a quarter of an houre, then he prayed as long or longer without a book, and ended with the Lords prayer; then ſtanding up he ſpies his brother Sir *George Wentworth*,

and

and cals him to him, and ſaith, brother we muſt part, remember mee to my ſiſter, and to my wife, and carry my bleſſing to my eldeſt ſonne, and charge him from me, that he fear God and continue an obedient ſonne of the Church of England, and that he ſhould approve himſelf a faithfull ſubject to the King, and tell him that he ſhould not have any private grudge or revenge towards any concerning me, and bid him beware that he medle not with Church livings, for that will prove a moth and canker to him in his eſtate, and wiſh him to content himſelf to be a ſervant to his Country, as a Juſtice of peace in his County, and not aiming at higher preferments; carry my bleſſing alſo to my daughters *Anne*, and *Arrabella*, charge them to fear and ſerve God, and he will bleſſe them, not forgetting my little Infant that yet knowes neither good nor evill, and cannot ſpeak for it ſelf, God ſpeak for it and bleſſe it; then ſayd he, now I have nigh done, one ſtroke will make my wife husbandleſſe, my dear children fatherles, and my poore ſervants maſterleſſe, and ſeperate me from my dear brother and all my friends, but let God be to you and them, all in all.

After that, going to take off his doublet, and to make himſelfe unready, he ſayd, *I thank God I am no more afraid of death, nor daunted with any diſcouragements riſing from any fears, but do as cheerfully put off my doublet at this time, as ever I did when I went to bed.* Then he put off his doublet, and wound up his hair with his hands, and put on a white cap.

Then he called, where is the man that ſhould do this laſt office? (meaning the Executioner) call him to me. When he came and askt him forgiveneſſe, he told him he forgave him and all the World. Then kneeling down by the block, he went to prayer again himſelf, the Biſhop of *Armagh* kneeling on the one ſide, and the Miniſter on other; to the which Miniſter after prayer he turned himſelf, and ſpoke ſome few words ſoftly, having his hands lifted up: this Miniſter cloſed his hands with his; then bowing himſelf to the earth to lay his head on the blocke, he told the Executioner that he would firſt lay down his head to try the fitneſſe of the block, and take it up again before he would lay it down for good and all, and ſo he did: and before he lay'd it dow again, he told the Executioner that he would give him warning when to ſtrike, by ſtretching forth his hands; and then laid down his neck on the block, ſtretching out his hands, the Executioner ſtruck off his head at one blow, then took the head up in his hands, and ſhewed it to all the people, and ſaid, *God ſave the King.*

SIXTEENE

SIXTEENE QVERIES

Propounded by the Parliament of *Ireland*, to the Judges of the ſame Kingdome.

THat the Judges may ſet forth and declare, whether the Inhabitants of this kingdome be a free people, or whether they be to be governed onely by the antient common lawes of England.

II.

Whether the Judges of the Land doe take the Oath of Judges, and if ſo, whether under pretext of any Acts of State, Proclamation, Writ, Letter, or direction under the great or privie Seale, or privie Signet, or Letter, or other commandement from the Lord Lieutenant, Lord Deputie, Juſtice, Juſtices, or other chiefe Governor, or Governors of this Kingdome they may hinder, ſtay or delay the ſuite of any ſubject, or his judgement, or execution thereupon, if ſo, in what caſes, and whether, if they doe hinder, ſtay or delay ſuch ſuite, judgement or execution, what puniſhment they incurre by the Law for their deviation and tranſgreſſion therein.

III.

Whether the Kings Majeſties privie Counſell, either together, or with the chiefe Governor or Governors of this Kingdome, without him or them be a place of Judicature, by the common Lawes, where in caſe between party and party for Debts, Treſpaſſes, Accounts, Covenants, poſſeſſions, and title of Land, or any of them, and with them may be heard, and determined, and of what civill Cauſes they have juriſdiction, and by what Law, and of what force is their order or Decree, in ſuch caſes or any of them.

IV.

The like of the chiefe Governors alone.

V.

Whether Grant of Monopolies be warrantable by the Law, and of what, and in what Caſes, and how, and where, and by whom, are the Tranſgeſſors againſt ſuch Grantees puniſhable, and whether by Fine and mutilation of Members, impriſonment, loſſe, and forfeiture of goods, or otherwiſe, and which of them.

VI.

In what Caſes the Lord Deputie, or other chiefe Governors of this Kingdome and Counſell, may puniſh by Fine, impriſonment, Mutilation of Members, Pillory, or otherwiſe, they may ſentence any to ſuch the ſame, or the like puniſhment, for infringeing the commands of any Proclamation, or Monopolie, and what puniſhment doe they incurre, that doe vote for the ſame.

VII.

Of what force is an Act of ſtate or Proclamation in this Kingdome

Kingdome to bind the liberty, goods, poſſeſſions, or inheritance of the natives thereof, whether they or any of them can alter the common Law, or the infringers of them loſe their Goods, Chattels, or Leaſes, or forfeit the ſame by infringing any ſuch Act of State or Proclamation, or both, and what puniſhment doe the ſworne *Judges* of the Law, that are privie Counſellors, incurre that vote for ſuch Act and execution of it.

VIII.

Whether the ſubjects of this Kingdome be ſubiect to the Marſhall Law, and whether any man in time of peace, no enemy being in the fields, with diſplayed colours can be ſentenced to Death, if ſo, by whom, and in what caſes, if not, what puniſhment doe they incurre that in time of peace, execute Marſhall Law.

IX.

Whether voluntary Oathes taken freely before *Arbitrators*, or others for affirmance, or diſaffirmance of any thing, or for the true performance of any thing, be puniſhable in the *Caſtle-Chamber*, or in any other *Court*, and why and wherefore.

X.

Why, and by what Law, and upon what Rule of policie is it, that none is admitted to reducement in the Caſtle-chamber, untill he confeſſe the offence for which he is cenſured, when as *Revera* he might be innocent therof, though ſubordined *proofes or circumſtances*, might induce him to be cenſured.

XI.

Whether the Judges of the Kings Bench, and by what law, doe or can deny, the copies of Indictments, of Felony, or Tyeaſon to the parties accuſed of Treaſon, contrary to the ſtatute of 42. *Edw.*3.

XII.

Whether the ſtatute of *Baltinglaſe* take from the Subiects, out-lawed for Treaſon, *though erroniouſly*, the benefit of his *Writ of Error*, and how and by what meanes, that blin clauſe not *warranted*, by the body of that Act came to be inſerted, and by what Law is it countenanced to the diminution of the liberty of the ſubject.

XIII.

What power have the *Barons* and the Court of *Exchequer*, to raiſe the reſpite of homage *Arbitrarily* to what value they pleaſe, and to what value they may raiſe it, and by what law they may diſtinguiſh betweene reſpite of homage, upon the diverſities of the true value of the Fees, when as all Eſcuage is the ſame for great and ſmall Fees, and they apportionable by *Parliament*.

XIIII.

Whether it's cenſurable in the ſubjects of this Kingdome, to repaire into *England* to appeale to his Majeſty for *Redreſſe* of *Injuries*, or for other their *accuſers*, if ſo, why, and in what condition of *perſons*, and by what law.

XV.

Whether *Deanes* and other *Dignitanies* of *Cathedrall Churches*, be properly *de mero jure donative*, by this King, or not *elective or collative*, if ſo, why, and by what law, and whether the confirmation of a Deane *de facto* of the Biſhops Grante be good, and valid in the law, or no, if not, by what law.

XVI.

Whether the iſſuing of *Quo Warranto's* againſt *Burroughes*, that antiently, and recently ſent Burgeſſes to the Parliament, to ſhew cauſe why they ſent Burgeſſes to the Parliament be legall.

CAPTAINE

CAPTAINE *AVDLEY MERVINS* SPEECH,

To the Houſe of Commons in *Ireland*,

Mr. Speaker,

IT was equall care and policy in our Predeceſſours. Firſt to lay a foundation, and then by a continued induſtry to build and perfect ſo glorious a fabrique as the houſe of Commons lawfull ſummoned by the Kings writ repreſents it ſelfe unto us at this day. In which ſo elaborate and exquiſite a ſtructure being finiſhed and crowned with thoſe fruitfull and peace-ſpeaking events, may challenge by right the title of a *Jubile*.

To ſo great a modell with neate and provident husbandry they intend no leſſe then ſutable furniture (which allowed pride) diſdaine to cloath it with any other, but with what by his Majeſties favour they had procured out of his owne ſtore; I meane thoſe great and large priviledges, which by ſeverall acts of royall favor have bin diſpenſed, annexed, nay hypoſtatically united, to the ſame Priviledges are the ſoule, by which we move the Sinues and Nerves, by which we are compacted, they are them,

by which we breath. Priviledges for their birth allyed to the Kings Prerogative, for their antiquity ſacred, for their ſtrength ſo re-intrenched by common law, fortified by ſtatutes, inſconſed by precedents of all times, that no man ever attempted their violation with impunity, ſo that now and then it may be truly ſaid, The Kings houſe is all glorious within. *If we which are Heires to their lawes, as unto their lands, will ſtrive to make no addition to the rich inventurie of thoſe priviledges they have bequeathed unto us, yet with united ſpirits, let us all at leaſt prevent the dilapidation, nay the diminution of the leaſt of them.*

This preſent occaſion of debating Mr. *Fitz-Gerralds* petition exhibited to this honorable houſe, ſets before us bleſſings and curſings, and is the firſt leaſe (as wee may terme it) of the houſe of commons Almanak, not made to ſerve for one, but for many yeers, and calculated to ſerve indifferently for all latitudes, in which, our carriage makes this and all ſucceeding dayes but ſervil and working daies, or otherwiſe imprints this day and our priviledges in a conſpicuous, plauſive rubrique to poſterity; whileſt the Palladium was in *Troy*, neither the power nor the long ſiege of the *Grecians*, could prevaile againſt it, whileſt *Minos* purple lockes curled from their native roots, *Creete* was unvanquiſhed. The Morall of theſe (*afflictions*) emphatically preach and teach us this *Doctrine*, that the ſafety, pregnancy, glory, and ſtrength of this houſe, is but only ſent us upon this condition, whileſt we keepe, preſerve, and defend our liberties, our rights, our priviledges unbetrayed, unſuppreſſed, and uncontrolled: if any more allyed to the corruptions of our owne diſtempers, then challenging an intereſt in us by a legitimate birth, could involve this grave and great aſſembly, in ſuch epidemicall liturgie, as directly to ſmore, *or at leſt to wink whileſt our priviledges cloathed in a purple robe of glory (like a word never to be recalled) eſcape from among us, I ſay if ungratefull, I ſhould cut off the inheritance of theſe immunities entailed upon*

us,

us, and confirmed as a monument all portion upon this younger brother of ſtate this Houſe of Commons what can we expect, but that our Fathers Ghoſts apparelled with indignation, ſhould appear unto us with this or the liking branding phraſe. Moſt ungratefull and unfortunate poſterity. *O ætas parentum pejor Avis*; better had it bin for you not to live then to out-live your owne infamie. If there had been a neceſſity, you ſhould involve your ſelves in a general-guilt, the election ought to have beene of ſuch a one as might have died with your ſelves; but this like original ſinne, binds your poſterity to ſigh for a redemption. Did we bequeath unto you thoſe faire ornaments to be ſtolne or ſnatched from you? Oh, where, where was your vigilancy and boldneſſe to preſent ſo diſaſterous and fatall a conſequence. Did we with no better ſucceſſe of imitation by your labour, and even unto hoarſeneſſe contend in the Parliament held 39. *Hen.* 6. as Prophecying your weakeneſſe, leave you a record to build upon? Where we admitted and priviledged one *Walter Clarke* a Burgeſſe of *Chepengham*, though at that time in execution *ad ſect. Reg.* Did we for this purpoſe recommend unto you *Ferrars* caſe and our proceecings againſt the diſturbers of his right? Did we for this purpoſe recommend unto you *Belgraves* caſe 43. of the Queene. *Who notwithſtanding he procured his election in Wincheſter by colluſion*, yet *Maugre* the great oppoſition raiſed by the Earle of *Huntington* upon the ſight of the Sheriffes returne (a ſufficient amerment to ſatisfie us) we admitted and confirmed him in the protection of our houſe, did we for this purpoſe exemplifie unto you the caſe of *Richard Chidder*, 5. *Henry* 4 who being arreſted in his journey towards the Parliaments (where note that the date of the election is the date of the priviledge.) They are twins of one birth, wee ingraft them as a twig to bee writh'd by our common roote, and quickly lopt off that ſo perilous authority which would prunne our branches. Nay Mr. *Speaker*, our fellowes labouring Parliament in

England,

England, with their hearty commendation have tranſmitted unto us a precedent from each houſe. The houſe of the Lords opening the gates of the Tower to prepare an entry to the cenſured Biſhop of *Lincolne*, and the houſe of Commons with like imitation and like ſucceſſe having perform'ed the ſame in Sir *John Elliot* and innumerable others. But now I will endeavour to allay the diſtempered ſpirits of our Fathers, whileſt with more patience and duty we attend the modeſt corrections of our indulgent King. And ſo *exeunt Patres*, and *Intr. H.* 8. in his owne perſon commending the reſolution and zeale of the houſe of Commons in preſerving the luſtre of their owne Priviledges from being Eclipſed, aledging himſelfe to be intereſſed in them, ſince that he and they, knit together, compleated one body, who in this our deſerved calamities, would not rather imitate us by ſcoſs, then qualifie our untimely repentance by abſence of our owne murdering wrongs. What may not *E.* 4. exprobrate unto us, who in the 3. yeare of his raigne, records his regall pleaſure to poſterity? That all Acts, Suites, judgements, cenſures *& qui dicit omne excludit nullum*, awarded againſt any Member of Parliament, ſhould be utterly void and fruſtrate, crowning the Act with an Emphaticall epiphonema, and this act to endure for ever. And ſurely common reaſon is pregnant in the juſtification thereof. That where the publique ſervice and good is primarily intended, a ſuperſedias muſt iſſue to private reſpects, ſince they cannot ſtand in competition, and inhabit our ſpheare. If their judgements are not yet calmed and ſetled, behold his Majeſty, that now is, cloathed in his royall Robes, and thus ſpeaking unto you from underneath his ſtate. Gentlemen, why ſtagger you thus, that are your ſelves the pillars of the commonweale, you are not upon breaking the Ice, nor bound upon the diſcovery of the unknowne world, each leafe reports your precedents that are like Maps that ſecure and expedite your fortunate Navigation. From me you can

expect

expect no more ſatisfaction, then what I have declared in the third yeer of my Raign, in anſwer to the Petition of Right in Parliament, that I am intereſted in the maintaining of the Priviledges of this Houſe, being a main Pillar of the liberty of my Subject, the goods of one being ſeiſed in my name, and for my uſe, for denying Tonnage and pondage, they reaſſumed, he being at the time of that ſeiſure a Member of the Houſe, and whether I diſtaſted, ſure I am, I had no redreſſe. As for the tender care of my intereſt in the fine of 10000l. and that you admitted my Atturney generall to a favourable hearing in my behalf, though againſt your ſelves (a Parliamentary cuſtome not to be written in ſmall Print) I thank you Gentl men, yet I think you know, as well as I, that theſe great ſounding Fines to me, have in their effects, but ſhort and little accounts, if there be 3. bags, the little one is mine: The 5000l. dammages to the party (a ſumme equall) or more to the defendants eſtate) is as much as *Magna Charta*, by thoſe words of *ſalvo contenemento*, would warrant: Therefore my Judges, by dividing it, might have conſidered me ſomewhat, whereas now the old proverbe binds me, Where there is nothing left, the King loſes his right.

Now Mr *Speaker*, in a Parliamentary way, we muſt withdraw and enter into our own Sphear. Enter into a diſcuſſe of thoſe objections, that impugne Mr *Fizt-Gerralds* election, admittance and priviledge of this Houſe;

The firſt that uſhers in the train, is a ſentence cloathed in ſable, ſtanding on tip-toe, and with a ruſty dagger thruſting at a ſtarre, I mean a ſentence ſpeaking errour, a ſentence viſitng the third and fourth generation, a ſentence ſtriving to leap over the bounds of *Magna*

charta, thirty times confirmed, a ſentence awarded againſt a *Judge* of a higher Court, than from which it iſſued. The cauſe in queſtion is to nullifie this ſentence, which if he appear a perſon capable of his priviledge, *more ſua vivit*, and then neither it, nor any thing derivatory, or collaterall to it, may be admitted againſt him by the rules of common, civill, or common Law, it being a maxime conſonant to them all. *Non poteſt adduci ejuſdam rei excepio cujus petitur diſſolutio.* Now to prove this ſentence void (Mr. *Speaker*) I being no profeſſor of the Law, yet a Diſciple of reaſon, and the body of the audient Subject to the like guilt: I will couch my ſelf in arguments, *quæ probant & non probantur*, leaving precedents and Book-caſes to the learned long Robe: Then thus I argue. By the Stat. 3. *E.* 4. All judgements, cenſures, ſentences, &c. awarded againſt a member of Parliament are void, ſo was this government: ſome may ſay, the King is not here included, I ſay (*qui dicit omne, excludit nullum*) And experience, the mother of knowledge, teacheth the ſame in precedents afore rehearſed, and one I will adde for all, which *Trewman*, 38. *Hen.* 8. who was in execution upon a writ of exigent after *a Capias adſatis faciend.* at the Kings ſuit, and yet priviledged, beſides this is not at the Kings ſuit, for the King is intereſſed here but ſecondarily both in name and profit. Now I muſt make good my minor, that he is a member of this houſe: he that was duely elected and truely returned, is a member of this houſe, ſo was he. *Ergo, &c.* My minor will be queſtioned, I confirm it thus, where the Kings writ for election is duly purſued, according to the moſt uſed and received form, there ſuch an election is good, ſo was this. *Ergo.* Here (Mr. *Speaker*) falls the weight of their objection, which we will maſter, and anſwer with equall ſpeed, and firſt *vellicat mihi aurem neſcio quis*, and ſaith the writ is *Burgenſis de Burgo*, but he is not *Burgenſis de Burgo*. Firſt I ſay

quomodo

quomodo conſtat, here is none to offer in proof he is not ſo, beſide I offer it in Quære, whether the election doth not *ipſo facto* make him a Burgeſſe, *& in omni inſtanti*, again I ſay the writ is *directive* not *poſitive*. *v. g. in a venire facias*, the Sheriff commanded to return 12. yet if he return not 24. he ſhall be fined, in reſpect experience and practice proves, ſome of the 12. may be queſtioned and challenged, beſides the writ explains it ſelf, the Knights muſt be *Comitatus tui*, but the Burgeſſes and Citizens *de qualibet Civitate & Burgo*, which can admit of no other conſtruction, but theſe two Burgeſſes out of every Burrough, & not as *Comitatus tui*, is, which were then of every Burrough, and certainly the Law provided this with great reaſon, as not doubting every Shire could afford two Knights, *reſident, yet jealous*, whether every Burrough could provide two reſident Burgeſſes qualified with theſe neceſſary adjuncts, as could befit a member of ſo noble a place; Again the writ commands *duos milites*, and yet exception was never taken upon returning of Eſquires, ſo that the writ expounds it ſelf, it is not literally to be taken. Next there is Thunder and Lightning ſhot out of the Statute, 33. *H.* 8. being a Stat. to regulate election, and abſolutely commanding every Knight and Burgeſſe to be reſident and have a certain Fee-ſimple in every burrough and County, out of which they are elected; Here they ſuppoſe our Priviledge will cry quarter as ready to be murthered by the Statute, but it is ominous *ante victoriam canere*. For firſt, we anſwer, that the diſuſe of a Statute antiquates a Statute, as is obſerved upon the Statute of *Merton*, and cuſtome applauded by fortunate experience, hath in all Parliaments ever prevailed; a houſe of Commons would rather preſent *Babell* in it's confuſions if the *Tincker* would ſpeak his *Dialect*, the Cobler his, and the Butcher conclude a greaſie Epilogue, then the writ were well purſued, theſe were *Idonei homines* to take and give counſell *de rebus arduis*;

but even to cut off the head of their own argument by a Sword of their own, this Stat. of 33. *H.* 8. ſeems by the preamble to be made in repeal of all former Statutes, by which, election not qualified with reſideney, was made void, and ſo became a grievance to the Common-wealth, and therefore this Statute makes the election not obſerved *ut ſupra*, onely penall, ſo that there is nothing offered in objection, either from the writ or Statute to avoid this election. Now I have placed him and dayly elected him, and then his priviledge grows by conſequence, yet we have other objections *minoris magnitudinis*, and to repeat them is to confute them; Firſt, ſay they, every *Libeller* is *de jure*, excommunicated; I anſwer, every *Libeller* muſt be *Scriptis*, *Pictis*, or *Cantilenis*, our member is guilty of none of them, no, he is not learned, ſo neither in the cenſure, nor in any preſent proceeding. Another flouriſh is, that he pleaded not his priviledge in the *Caſtle-Chamber*, in which very objection, they confeſſe him priviledged, and make themſelves guilty, that they would proceed againſt a known member of our Houſe. But ſee the Roman ſpirit of Mr. *Fitz-Gerald*, who would rather undergo the hazard of being a *Starre-Chamber Martyr*, than to ſubmit our Priviledge to an extrajudiciall debate. It was in our honour he did this, and for his eternall applauſe: ſome body ſayes the Caſtle-Chamber will think it ſelf injured, there being Lords of the houſe of Parliament at and in the cenſure. As for the Lords, *humanum eſt errare*, but the Judges are rather involved in theſe words *Premeditata malitia*, for his election was the 11 of *November* ſitting then in Parliament; and his cenſure the 13 of *December*, ſo they had 22 or 23 dayes to repent of their ill-grounded reſolution, a greater affront never offered to the houſe of Commons, being comparative, as if the Recorder of the *Tolſell* ſhould ſentence the Lord chief Juſtice of *Ireland*, a member of our houſe is a walking Record,

cord, and needs not to melt the Kings picture in his pocket. Others alleadge, it was an election purchaſed by colluſion, but *de non exiſtentibus & non apparentib. eadem eſt ratio.* And ſince the end of his election is in it ſelf and *per ſe*, for the advancing of the publike ſervice, as well to prove a ſentence not then *in rerum natura*, both Law and charity in a benigne conſtruction of theſe two ends will allow the more favourable. Another objection is whiſpered, that the entrance is not found in the Clerk of the Parliaments Role; This is no matter to the validity of his election, for his priviledge commenced 40 dayes before the Parliament, therefore this and the like are to be judged of as *accidentia quæ poſſunt abeſſe & adeſſe ſine ſubjecti interitu.* Truely (Mr. *Speaker*) my memory and lungs begin to prove Traytors to me; Another objection, if omitted, may be judged by theſe of what ſtrength and maturity they, even as by the coynage of a penny, one may judge of a ſhilling; What hinders then, ſince here is water, but that he may be baptized? Here are no *non obſtant's* to be admitted in his new Patent of Denization, the common law, the Statute law, the Canon, the Civill law plead for his admittance, the writ of election, the exemplification of the Sheriffs return, all preſidents of all ages, all reports plead for his admittance, our fore-fathers Ghoſts, the preſent practice of Parliaments in *England* plead for his admittance, the Kings ſucceſſive commands, command and confirm his admittance; Away then Sericant, and with the hazarding power of our Mace touch the Marſhals gates, and (as if there were Divinity in it) they will open and bring us our Olive branch of peace, wreſted from our ſtock, that with welcome Art we may ingraft him to be nouriſhed by a common root. Thus the King ſhall receive the benefit of an able ſubject, who is otherwiſe, *civiliter mortuus*, we enjoy the participation of his labour, and poſterity, both ours and this.

CAPTAINE AVDLEY MERVINS Speech to the Lords in the Upper houſe in the Parliament *March* 4°. 1640.

Concerning the impeachment of Sir *Richard Bolton* Knight, Lord Chancellor of *Ireland*; *Iohn* Lord Biſhop of *Derry*, Sir *Gerrard Lowther* Lord Chief Juſtice of the *Common Pleas*, and Sir *George Ratcliffe* Knight, with high Treaſon by the Knights, Citizens, and Burgeſſes of the Commons Houſe.

My Lords;

I Am commanded by the Knights, Citizens, and Burgeſſes of the Commons Houſe to preſent unto you *Irelands* Tragedie, the gray headed Common Lawes funerall, and the Active Statutes death and obſequies; this dejected ſpectacle anſwers but the prefiguring Type of *Cæſars* murther, wounded to the death in the Senate; And by *Brutus* his boſome friend, our *Cæſars* image by reflexion, even the fundamentall Lawes and Statutes of this Kingdome, the ſole means by which our eſtates are confirmed, our liberties preſerved, our lives ſecured, are wound to death in the Senate, I mean in the Courts of Juſtice, and by *Brutus* too, even by thoſe perſons

ſons that have received their beings and ſubſiſtance from them, ſo that here enters thoſe inſeparable firſt Twins, Treaſon, and Ingratitude.

In a plain phraſe (My Lords) I tender unto you Treaſon, High Treaſon; ſuch a Treaſon that wants nothing but words to expreſſe it.

To counterfeit the Kings Seale, to counterfeit the Kings money it is Treaſon; but this dyes with the individuall partie.

To betray a Fort is Treaſon, but it dies with a few men.

To betray an Army is a Treaſon, but it dyes with a limited number, which may be reinforced again by politique induſtry.

To blow up both Houſes of Parlament is Treaſon, but ſucceeding ages may replant Branches by a fruitfull poſterity; but this High Treaſon which I do move in the name of the Houſes of Commons, charge and impeach Sir *Richard Bolton* Knight, Lord Chancellour of *Ireland*, and Sir *Gerard Lowther* Knight, Lord Chief Iuſtice of the Common Pleas, *Iohn* Lord Biſhop of *Derry*, Sir *George Ratcliffe* Knight; is in its nature ſo far tranſcending any of the former that the reſt ſeem to be but petty Larcenics in reſpect of this.

What is it to ſubvert the fundamentall Lawes of this Kingdome, (High Treaſon?)

What is it with a contumacious malice to trample under feet the rich legacies of our forefathers purchaſed with ſweat and expence, I mean the Statute lawes, what is it but High Treaſon?

What is it through an Innate Antipathie to the publick good to incarcerate the liberty of the Subject under the Iron and weighty chains of an arbitrary Government (High Treaſon?) What is it (ſince his Majeſtie the moſt amiable and delightful portraiture of flouriſhing and indulgent Juſtice to his Subjects) to preſent him perſonated in their extrajudiciall cenſures and judgements;

ments; but to poſſeſſe (if poſſible) the hearts of his loyall Subjects of this Kingdome: That he is a bloody and devowring Tyrant, and to provoke their never dying alleageance into a fatall and deſperate Rebellion.

What is it to violate the ſacred Graunts of many of his Majeſties Progenitors Kings and Queenes of *England* confirmed under the broad Seale, being the publique faith of this Kingdome by an extrajudiciall breath grounded upon no record?

What is it to inſent a ſurreptitious clauſe forged by ſome ſervile brain in the preamble of our laſt Act of Subſidies by which the Kings moſt excellent Majeſty, and the Earl of *Stafford* are placed in one and the ſame ſphear, allowing them but equall influencies to nouriſh the alleageance of this Kingdome, what is this but to extoll other then Regall Authority, and to crucifie the Majeſtie of our moſt gracious Soveraign betwixt the two Theeves of Government, Tyranny and Treaſon.

My Lords, having ſuch a full and laſting Gale to drive me into the depth of theſe accuſations, I cannot hereby ſteere and confine my courſe within the compaſſe of patience, ſince I read in the firſt volumes of their browes, the leaſt of theſe to be the certain ruine of the Subject, and if prov'd, a moſt favorable Prologue to uſher in the Tragedie of the Actors, Councellers and Abetters herein.

What was then the firſt and main queſtion, it was the ſubvertion of the fundamentall Lawes of this Kingdome, let then *magna Charta* that lies proſtrated, beſmeared and groveling in her own gore, diſcount her wounds as ſo many pregnant and undeniable proofs, mark the Epethite *Magna κατ' ἐξοχὴν* confirmed by 30. Parliaments in the ſucceſſion of eight Kings, the violation of which hath ſeverall times ingaged the Kingdome of England in a voluntary ſacrifice: a Charter which impoſeth that pleaſant and welbecomming oath upon all Soveraignties, to vindicate and preſerve the Immunitie thereof; before the Crown

Crown incircle their Royall Temples in this oath of ſo high conſequence and generall intereſt his Majeſty doth in a manner levie a fine to his Subjects uſe for avoiding all fraudulent conveyances in the Adminiſtration of Juſtice. And this oath is tranſplanted unto the Judges as the Feoffees in truſt, appointed between his Majeſtie and the Subject, and ſealed by his Majeſties provident care with that imphatical l penalty, that their eſtates and lives ſhall be in the Kings mercy upon the violation of the ſame, either in whole or in part, neither hath the deſerved puniſhment for the breach of this oath enacted as *fulgura ex vitrio*, or as bugbears to inforce the obedience of Children; no my Lords, the juſt execution of it upon their Predeceſſors though in breaches not ſo capitall, might have warned them to have ſtrangled their ill born reſolutions in the Cradle, before they now proclaim their infancie and petition for their puniſhment. Witneſſe *Sir Thomas Weyland* his baniſhment, confiſcation of his goods and lands only for his mercenarie Juſtice contrary to his oath, who was Chief Juſtice of the *Common Pleas* in the time of *Edward* the firſt. Witneſſe Sir *William Thorpe*, Cheif Iuſtice of the *Kings Bench*, in the time of *Edward* the third, who was adjudged to be hanged, becauſe he had broken the Kings oath made unto the people wherewith he was intruſted in the Roll.

Now my Lords, though *Magna Charta* be ſacred for antiquity, though its confirmation be ſtrengthned by oath, though it be the proper Dictionarie that expounds *meum & tuum*, and aſſignes a Subiect his birth-right; yet it only ſurvives in the Rolls, but now miſerable rent and torn in the practice.

Theſe words *Salvo cantenemento*, live in the Rolls, but they are dead in the Caſtle Chamber.

Theſe words; *Nullus liber hujus ejicitur è libero ſuo tenemento, in præjudicium parium*, live in the Rolls; but they are dead where property and free-hold are determi-

med by paper Petitions.

Theſe words; *Nulli vendemus, nulli differemus Juſtitiam*, live in the Rolls, but they are dead when the Suites, Iudgements, and excecution of the Subiect are wittingly and illegally ſuſpended, retarded and avoyded.

Shall we deſire to ſearch the mortall wounds inflicted upon the Statute Lawes, who ſees them not lying upon their death bed ſtab'd with Proclamations, their primitive and genuine tenures eſcheated by Acts of State, and ſtrangled by *Monoplies*.

Will you ſurveigh the liberties of the Subiects, every priſon ſpues out illegall attachments and commitments, every Pillory is dyed with the forced bloud of the Subiects, and hath ears, though not to hear, yet to witneſſe this complaint.

Do you doubt of the defacement of the amiable Offices of his Maieſties moſt tranſplendent and renowned Iuſtice, and grace, let then that *Microcoſme* of Letters Patents confirmed under his Maieſties and his Predeceſſors broad Seale of the Kingdome, being the publique faith thereof, and yet unchriſtened by frivolous and private opinions, riſe up in iudgement, let the abortive Iudgement of the tenure *in Capite*, where no tenure was expreſt, nay let the Hereticall and Traiterous opinions where the Tenure was expreſt, yet to draw in all by Markets and Faires granted in the ſame Patents riſe up in Iudgements. What glaſſe hath this unhappy divided Kingdome from his Maieſties preſence and audience, to contemplate the fair and raviſhing form of his royall intentions in, but in the cleer and diaphanous adminiſtration of his Iuſtice, and what do theſe traytrous and illegall practiſe ayme at but in affront to his Maieſty (which we moſt tenderly reſent) and diſcontent to his Subiects, to multiply as by a Magick glaſſe the royall diſpenſation of his favours into the ugly and deformed viſage of their ſuppreſſion of the liberties, devaſtations of the eſtates, and

the

the deprivation of the lives of his loyall Subiects, ſo that it may be ſayd; *Regali Capiti cervicem conſul equinam Jungere ſic velles variaſque inducere plumas.*

My Lords, theſe ought to be conſidered with as ſerious an eare, as they were practiſed by miſchievous experiments.

Inquire of the *Netherlands* why their fields are growne fertile, by the inundation of bloud, why the penſive Matrons ſolemnize too too frequent funeralls of their Huſbands and iſſue, and they will anſwer you it was for the preſervation of their hereditary Lawes, which Tyranny would have innovated.

This Kingdome perſonated in the ſable habit of a widdow with diſhelved hayrs ſeems to Petition your Lordſhips, that ſince ſhe is a Mother to moſt of us, yet certainly a Nurſe unto us all, that you would make ſome other for redreſſe of her Tyrannicall oppreſſion.

Theſe perſons impeached, reſemble the *opacious* body of the earth interpoſed to eclipſe that light and vigour, which the *ſolar* aſpect of Maieſty would communicate unto his Subiects.

They imitate the fiſh *Sepia*, that vomits a darke liquor out of her mouth to cloud the waters for her ſecurer eſcape.

They are thoſe to whom the keyes have been committed, yet they have barred the door to them that knock't.

They are thoſe unnaturall Parents, that give their children ſtones, in ſtead of bread, and ſcorpions for fiſh. Was it for this purpoſe that the royall authority ſcituated them in theſe eminent places, that like Beacons upon high Hills, they ſhould diſcover and proclaim each innovation and ſtratagem againſt the publique weale; whileſt they in the mean time imploy therein fire to publique Incendiary, or, like *Ignes fatui*, ſeduce the eaſie and beleeving Traveller into pits and unexpected Myres?

Were they ſworne to ſeale their damnation, and not

their confirmation of our libertie, eſtates, and lives? Shall a man be cenſured for *perjury*, in that breach of his private Faith, and thoſe be juſtifiable in Treaſon, aggravated by *perjury* againſt the dignity of the Crownes, and publique faith of the Kingdomes? No my Lords, the grave, judicious, and mature examination, and deſerved puniſhment of theſe traiterous proceedings, will ſpeak theſe times as glorious to poſterity in their information, as they are now lamented in their perſecution.

The bloud-thirſting ſword of an hoſtile enemy, by a timely union, and a defenſive preparation may be prevented.

The thin rib'd Carcaſſe of an univerſall famine, may have his conſumption reſtored by a ſupply from our neighbouring Nations.

The quick ſpreading venome of infectious peſtilence may be prevented by Antidotes, and qualified by phiſicall remedies. But this Catholick grievance, like a ſnake in the moſt verdant walks, (for ſuch are the unblemiſhed lawes truly practiſed) ſtings us to death, when we are moſt ſecure; and like the Kings evill, can only be cured by his Majeſties free and gracious permiſſion of our modeſt and gentle proceedings, for his vindication and our preſervation therein concluded.

Spencer, and *Gamſton* who have left their names monumentally odious for the evill counſell they fed the Kings ear with, yet did poſſibly advantage their own friends, while theſe dart their envie and Treaſon for a common Center, equally touching the bounds of every ſuperficies: for as concerning the valide eſtates they have illegally overthrown, when the Lawes by your Lordſhips induſtry receive their native vigour, they will re-aſſume their confirmation: but the eſtates happily in themſelves legall, that they have in an extrajudiciall forme eſtabliſhed, will haſte as ſpeedily to their diſſolution, ſo that *Judas*-like they betray their beſt friends with a kiſſe.

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My Lords, I cannot finde any ſurviving *Cronologie* of times, this ſeaſon to be parallel'd with all circumſtances, which makes me view the Records amongſt the infernall ſpirits to finde, if match't there I might extenuate their facts: where 1. they appear like the falſe ſpirit ſent into the mouth of the Prophet to *Ahab* to ſpeak deluſions to ſubvert the hoſt of God.

The moſt vehement and trayterous encounter of Sathan, is lively deciphered in the true example of *Job*: where firſt, I obſerve the diſmologie, he overthrowes not *Jobs Magna Charta*, he diſſeizes him not of his inheritance, nor diſpoſſeſſes him of his Leaſes; but only diſrobes him of ſome part of his perſonall eſtate: when he proceeds to infringe *Jobs* liberty, he doth not pillorie him, nor cut off his ears, nor bore him through the tongue; he only ſpots him with ſome ulcers; here *Sathan* ſtains, when theſe perſons by their *traiterous combinations*, envie the very bloud that runs unſpilt in our veines; and by obtruding bloody Acts, damn'd in the laſt Parliament, will give *Sathan ſize ace*, and the Dice at *Iriſh*, in inthralling the lives of the Subjects by their *arbitrary Judicature*.

I would not my Lords be underſtood to impute to the Judges, and infallibilitie of error: *nor in impeaching theſe, to traduce thoſe, whoſe candor and integrity, ſhine with more admired luſtre, then their white furres*, who like trophees of virgin-juſtice, ſtood fixt and unmov'd in the *rapid torrent of the times*, while theſe like ſtrawes and chips plai'd in the ſtreams, untill they are devolv'd in the Ocean of their deſerved ruine.

No my Lords, *humanum eſt errare*, and the Law allowes *Writs of Error*, and arreſt of Judgement: but where there is *craſſa ignorantia* againſt their Oath, againſt the Fundamentall, Elementary, and known Lawes of the Kingdome: Nay (my Lords where it is rather *præmeditata malitia*, where there is an emulating policie

who ſhould raze and embeſell the Records in the practique, that are for the tender preſervation of our liberties, eſtates, and lives, ſeeking only to be glorious in a nationall deſtruction, as if their ſafety were only involved in our ruine, there I have command to pitty, but not excuſe them.

To kill a Judge, *quatenus* a Judge, is not Treaſon, but to kill a Judge ſitting in the place of Iudicature, is Treaſon; not for that the Law intends it out of any malice againſt the party, but for the malice againſt the Law: where then can an intenſive, or an extenſive malice be expreſt or implyed againſt the Law, then the practicall dialect of theſe perſons impeach't, ſpeaks with a known and crying accent.

The *Benjamites* ſlang ſtones with their left hands, yet they would not miſſe a hairs breadth; theſe extrajudiciall proceedings are ſlung with the left, I meane they are ſiniſtrious, and imprint their blacke and blew marks, more certaine, and more fatall; for that they may ſay, *Quæ regio in terris noſtri non plena laboris?* Though theſe things be familiar unto us, yet I cannot but admire how this unproportionable body of Iudicature ſhould ſwell up into ſuch a vaſt and ulcerous dimenſion, but why ſhould I conſidering this excentrick motion of the body of the Law had his birth obſcure, reſembling the tares that were ſowed in the night time, but here is the difference; they were ſowne by the enemy in the abſence of the *Maſter: but theſe are ſowne by the Grand-maſters themſelves, purpoſely to overtop and choak the expected Harveſt.*

Innovations in Law, and conſequently in government, creep in like hereſies in Religion, ſlily and ſlowly, pleading it the end a ſawcy and uſurp't legitimacy, by uncontrol'd preſcription.

My Lords, this is the firſt ſitting, and I have onely chalked out this deformed body of high Treaſon: I have not

not drawn it at length, leaſt it might fright you from the further view thereof: in concluſion, it is the humble deſire of the Commons, that the parties impeached, may be ſecured in their perſons, ſequeſtred from this Houſe, from the Counſell Table, and all places of Iudicature, as being *Civiliter mortui*; that they may put in their anſwers to the Articles ready now to be exhibited againſt them: and that all ſuch further proceedings may be ſecretly expedited, as may be ſutable to Iuſtice, and the precedents of Parliaments, ſo his Majeſty may appeare in his triumphant goodneſſe, and indulgency to his people: and his people may be raviſht in their dutifull and cheerefull obedience, and loyalty to his Maieſty: your Lordſhips may live in Records to Poſterity, as the inſtrumentall reformers of thoſe corrupted times, and that the Kingdome and Common-wealth may pay an amiable ſacrifice in *retribution*, and acknowledgement of his Maieſties multiplyed providence for our preſervation herein.

Articles

Articles of the Knights, Citizens, and Burgeſſes in the Parliament aſſembled, againſt Sir *Ric: Bolton*, K^t. Lord Chancellor of *Ireland*, *John*, Lord B. of *Derry*, and Sir *Gerard Lowther* K^t. L. Chief Juſtice of his Majeſties Court of Common-Pleas, and Sir *George Radcliffe*, K^t. in maintenance of the accuſation, whereby they, and every of them, ſtand charged with high Treaſon.

FIrſt, that they the ſaid Sir *Richard Bolton*, Knight, Lord Chancellor of *Ireland*, *John*, L. Biſhop of *Derry*, Sir *Ger. Lowther*, K^t. Lord Chief Juſtice of his Majeſties Court of Common-Pleas, and Sir *George Radcliffe*, Knight, intending the deſtruction of the Common-wealth of this Realm, have trayterouſly confederated and conſpired together, to ſubvert the Fundamentall Laws and Government of this Kingdom, and in purſuance thereof, they and every of them, have trayterouſly contrived, introduced, and exerciſed an arbitrary and tyrannicall Government againſt Law, thorowout this Kingdom, by the countenance and aſſiſtance of *Thomas*, Earl of *Strafford*, then chief Governour of this Kingdom.

II.

That they and every of them, the ſaid Sir *Richard Bolton*, K^t. L. Chancellor of *Ireland*, *John*, L. Biſhop of *Derry*, Sir *Gerard Lowther*, K^t. L. chief Juſtice of the Common Pleas, and Sir *George Radcliffe*, K^t. have trayterouſly aſſumed to themſelves, and every one of them, regall power over the goods, perſons, lands, and liberties of his Majeſties

jeſties Subjects in this Realm; and likewiſe have maliciouſly, perfidiouſly, and trayterouſly given, declared, pronounced, and publiſhed, many falſe, unjuſt, and erroneous opinions, Judgements, Sentences, and Decrees, in extrajudiciall manner againſt Law, and have *perpetrated, practiſed, and done many other trayterous and unlawfull acts and things, whereby as well divers mutinies, ſeditions, and rebellions have been raiſed, as alſo many thouſands of his Majeſties liege people of this Kingdom, have been ruined in their goods, lands, liberties, and lives, and many of them being of good quality and reputation, have been utterly defamed by Pillory, mutilation of members, and other infamous puniſhments:* By means whereof his Majeſty and the Kingdom have been deprived of their ſervice in Juries, and other publike imployments, and the generall trade and traffique of this Iſland for the moſt part deſtroyed, and his Majeſty highly damnified in his cuſtomes and other revenues.

III.

That they the ſaid Sir *Rich. Bolton*, *John*, L. B. of *Derry*, Sir *Ger. Lowther*, K^t. and Sir *G. Radcliffe*, and every of them, the better to preſerve themſelves, and the ſaid Earl of *Strafford*, in theſe and other trayterous courſes, have laboured to ſubvert the rights of Parliament, and the ancient courſe of Parliamentary proceedings: all which offences were contrived, committed, perpetrated, and done at ſuch time, as the ſaid Sir *Richard Bolton*, Sir *Gerard Lowther*, and Sir *George Radcliffe*, Knights, were privy Counſellors of State within this Kingdom, and againſt their and every of their oathes of the ſame, at ſuch times as the ſaid Sir *R. Bolton*, K^t. was Lord Chancellor of *Ireland*, or chief Baron of his Majeſties Court of Exchequer, within this Kingdom, and Sir *Gerard Lowther*, Knight, was Lord chiefe Juſtice of the ſaid Court of Common Pleas, and againſt their Oathes of the ſame, and at ſuch time as the ſaid *John*, L. Biſhop of *Derry*, was actuall Biſhop of *Derry*, within this Kingdom, and were done and ſpeciated con-

trary to their and every of their allegiance, ſeverall and reſpective oathes taken in that behalf.

IV.

For which the ſaid Knights, Citizens and Burgeſſes, do impeach the ſaid Sir *Richard Bolton*, Lord Chancellor of Ireland, *Iohn*, L. B. of *Derry*, Sir *Gerard Lowther*, K^t. L. chief Juſtice of his Majeſties ſaid Court of Common Pleas, and Sir *George Radcliffe*, K^t. aforeſaid, and every of them of high Treaſon, againſt our Soveraign Lord the King, his Crown and Dignity.

The ſaid Knights, Citizens, and Burgeſſes, by Proteſtation, ſaving to themſelves the liberty of exhibiting at any time hereafter, any accuſation or impeachment againſt the ſaid Sir *Rich. Bolton*, *Iohn*, L. Biſhop of Derry, Sir *Gerard Lowther*, and Sir *George Radcliffe* aforeſaid, and every of them, and alſo of replying to them, and every of their anſwers, which they and every of them ſhall make to the ſaid Articles, or any of them, and of offering proof alſo of the premiſſes, or of any other impeachment, or accuſation, as ſhall be by them exhibited; as the caſe ſhall accord'ng to the courſe of Parliament require.

And the ſaid Knights, Citizens, and Burgeſſes do pray, that the ſaid Sir *Richard Bolton*, Knight, Lord Chancellor of Ireland, *Iohn*, Lord Biſhop of Derry, Sir *Gerard Lowther*, Knight, Lord chief Juſtice of his Majeſties ſaid Court of Common Pleas, and Sir *George Radcliffe*, Knight, and every of them, be put to anſwer to all and every of the premiſſes, and that all ſuch *Proceedings*, *Examinations*, *Triall*, and *Iudgement*, may be upon them and every of them, had and uſed, as is agreeable to Law and Juſtice.

Copia vera.

Signed,

PHILIP PHERNESLY,
Cler. Parliamenti.

Sir

Sir *Thomas Wentworths* ſpeech,

XXij^d. *Martij*, 1627.

MAy this dayes reſolution be as happy, as I conceive the propoſition (which now moves me to riſe) is ſeaſonable and neceſſary, for whether we ſhall look upon the King or the people, it did never more behove this great Phyſitian the Parliament, to effect a true conſent towards the parties then now; This debate carryes with it, a double aſpect, towards the Soveraign, towards the Subject, though both innocent, both injured, both to be cured.

In the repreſentation of injuries, I ſhall crave your attention in the Cures; I ſhall beſeech your equall cares, and better judgements (ſurely in the greateſt humility, I ſpeak it) theſe illegall waies are marks and puniſhments of indignation.

The raiſing of Leavies ſtrengthned by Commiſſion, with unheard of inſtructions, the billetting of Souldiers by Lievetenants without leave, have been, as if they could have perſwaded Chriſtian Princes (nay Worlds) the right of Empire had been to take away by ſtrong hand; and they have endeavoured, as far as was poſſible for them to do it.

This hath not been done by the King (under the pleaſing ſhade of whoſe Crown I hope we ſhall ever gather the fruits of Juſtice) but by Projectors. They have extended the prerogative of the King, beyond the juſt Center, which was the ſweet harmony of the whole.

They have rent from us the light of our eyes, inforced a company of Gueſts, worſe than the Ordinaries of

France, vitiated our wives and daughters before our faces, brought the Crown to greater want than ever it was, by anticipating the Revenue, and can the Shephard be thus ſmitten, and the flock not ſcattered?

They have introduced a Privie Counſell raviſhing at once the Spheers of all ancient government, impriſoning us without Bail or Bond. They have taken from us what ſhall I ſay (indeed what have they left us) all mean of ſupplying the King, and ingratiating our ſelves with him, taking up the roots of all propriety, which if it be not ſeaſonably ſet into the ground by his Maieſties hand, we ſhall have inſtead of beauty, baldneſſe.

To the making of them whole I ſhall apply my ſelf, and propound a remedy, to all theſe diſeaſes, by one and the ſame thing hath the King and people been hurt, and by the ſame muſt they be cured, to vindicate what? New things? No. Our ancient, ſober, vitall liberties, by reinforcing of the ancient Lawes made by our Anceſtors, by ſetting ſuch a Character upon them, as no licentious ſpirit ſhall dare hereafter to enter upon them. And ſhall we thinke this away to break a Parliament? No. Our deſires are modeſt and iuſt, I ſpeak truly, both for the intereſt of the King and People. If we enioy not thoſe, it will be impoſſible to relieve him; Therefore let us never fear that they ſhall not be accepted by his goodneſſe.

Wherefore I ſhall deſcend to my motions, which conſiſts of four parts, two of which have relation to the perſons, two to the propriety of goods, for the perſons, the freedome of them from impriſoning.

Secondly from employments abroad, contrary to the ancient cuſtomes for our goods, that no leavies may be made but in Parliament. Secondly, no billetting of Souldiers: It is moſt neceſſary, that theſe be reſolved, that the Subiects may be ſecured in both.

Then for the manner in the ſecond place, it will be fit to determine itby a Grand Committee.

SIR,

Sir *Thomas Wentworths* Speech.

21. of *Aprill*, Anno, 1628.

Right wiſe, Right worthy:

TOo many inſtigations importune the ſequell of my words; *Firſt*, the equitie of your proceedings. Secondly, the honeſty of my requeſt, for I behold in all your intendments a ſingularity grounded upon diſcretion and goodneſſe, and your conſultations ſteered as well by Charity as extremity of juſtice.

This order and method I ſay of your procedings, together with the importunity offered of the Subject in hand, have emboldned me to ſolicite an extenſion of the late granted protections in generall. The lawfulneſſe and honeſty of the propoſitions depends upon theſe two particulars.

I. The preſent troubles of the parties protected, having run themſelves into a further and almoſt irrecoverable hazards, by preſuming upon, and feeding themſelves with the hopes of a long continuing Parliament.

II. Let the ſecond be this conſequence; That that which is prejudiciall to moſt, ought to miniſter matter of advantage to the reſt; ſith then our interpellations and diſturbances amongſt our ſelves are diſpleaſing almoſt to all, if any benefit may be collected, let it fall upon thoſe, for I think the breach of our Seſſion can befriend none but ſuch, nor ſuch neither, but by means of the grant before hand. And becauſe it is probable, that his Majeſty may cauſe a Remeeting this next *Michaelmas*, Let thither alſo reach their preſcribed time for liberty. And that till then their protections ſhall remain in as full vertue and authority, as if the Parliament were actually ſitting.

To the Right Honorable, the LORD Deputie.

SHewing that in all ages paſt, ſince the happy ſubiection of this Kingdome, to the imperiall Crown of *England*; it was and is a principall ſtudy, and Princely care of his Maieſty, and his moſt Noble Progenitors, Kings and Queens of *England*, and *Ireland*, to the vaſt expence of Treaſure and bloud, that their loyall and dutifull people of this land of *Ireland*, being now for the moſt part derived from the *Britiſh Anceſtor*, ſhould be governed according to the municipiall and fundamentall lawes of *England*, that the Statute of *Magna Charta*, or the great *Charter* for the liberties of *England*, and other laudable lawes and Statutes, were in ſeverall Parliaments here enacted and declared, that by the means thereof, and of the moſt prudent and benigne government of his Maieſtie and his royall Progenitors, this Kingdome was (untill of late) in its growth to a flouriſhing eſtate, whereby the ſaid people were hertofore enabled to anſwer their humble and naturall deſires, to comply with his Maieſties Royall and Princely occaſions, by the free gift of 150000. *l. ſter.* and likewiſe by another gift of 120000. *l. ſter.* more during the government of the *Lord Viſcount Faulk-land*, and after by the gift of 40000. *l.* and their free and chearfull gift of 6. *entire Subſidies*, in the 10. year of his Maieſties Reign, which to comply with his Maieſties then occaſions ſignified to the then H. of Commons they did allow ſhould amount in the collections unto 250000. *l.* although as they confidently beleeve, if the ſayd Subſidies had not been levied in a moderate Parliamentary way, they would not have amounted to much

more

more than half the ſaid ſum, beſides the four entire Subſidies, granted in this preſent Parliament. So it is, may it pleaſe your Lordſhip, that by the occaſion of the enſuing and other grievances and innovations, though to his Maieſtie no conſiderable profit, this Kingdome is reduced to that extreme and univerſall poverty, that the ſame is now leſſe able to pay a Subſidie, then it was heretofore to ſatisfie all the before recited great payments, and his Maieſties moſt faithfull people of the ſame, do conceive great fears that the grievances and the conſequences thereof may hereafter be drawn into precedents to be perpetuated upon their poſterity, which in their great hopes and ſtrong belief, they are perſwaded is contrary to his Maieſties Royall and Princely intention towards his ſaid people, ſome of which ſaid grievances, are as followeth.

I.

Firſt, the generall and apparent decay of Trades, occaſioned by the new and illegall rayſing of the book of Rates and Impoſitions, as xii,d. a piece, cuſtome for Hides bought for 3.4. or 5.s. and many other heavie Impoſitions upon native and other commodities exported and imported, by reaſon thereof and of the extream uſage, and cenſures, Marchants are beggered, and both diſinabled and diſcouraged to trade; and ſome of the honorable perſons who gain thereby, are often Iudges, and parties, and that in concluſion his Maieſties profit therby is not conſiderably advanced.

II.

Secondly, the arbitrary deciſion of all civill cauſes and controverſies, by paper petitions before the Lord *Lievetenant*, and *Lord Deputy*, and infinite other Iudicators upon references from them derived in the nature of all actions, dererminable at the Common-law, not limited unto certain times, ſeaſons, cauſes, and things whatſoever, and the conſequence of ſuch proceedings, by receiving immoderate and unlawfull fees by *Secretaries, Clerkes, Purſivants*,

ſivants, *Serjants* at Armes, and otherwiſe, by which kinde of proceedings, his Majeſty loſeth a conſiderable part of his Revenue, upon originall writs, and otherwiſe; and the Subject loſeth the benefit of his writ of error, Bill of reverſall, vouchers, and other legall and juſt advantages, and the ordinary courſe and Courts of Juſtice declined.

III.

Thirdly, the proceedings in civill cauſes at the Councell boord, contrary to the law and great *Charter*, and not mitted to any certain time or ſeaſon.

IV.

Fourthly, that the Subject is in all the materiall parts thereof, denyed the benefit of the principall graces, and more eſpecially of the Statute of Limitations, of the 21. *Jan.* granted by his Majeſty in the 4. year of this Reign, upon great advice of the Counſell of *England*, and *Ireland*, and for great conſideration; and then publiſhed in all the Courts of *Dublin*, and in all the Courts of this Kingdome in open Aſſizes, whereby all perſons do take notice, that contrary to his Majeſties pious intention, his Subiects of this Land have not enioyed the benefit of his Maieſties Princely promiſe thereby made.

V.

Fiftly, the extraiudiciall avoyding of Letters Patents of eſtates of a very great part of his Maieſties Subiects under the great Seale (the publique faith of the Kingdome) by private opinions delivered at Councell Boord, without legall Evictions of their eſtates, contrary to the Law and without precedent or example of any former age.

VI.

Sixtly, the Proclamation for the ſole exemption and uttering of *Tobacco*, which is bought at very low Rates, and uttered at high and exceſſive Rates, by means wherof thouſands of Families within this Kingdome and of his Maieſties ſubiects in ſeverall Iſlands, and other parts of the

the *Weſt Indies* (as your Petitioners are informed) are deſtroyed, and the moſt part of the Coyne of this Kingdome is ingroſſed into particular hands: Inſomuch that your Petitioners do conceive that the profit ariſing and ingroſſed thereby, doth ſurmount his Maieſties Revenues certaine and caſuall within this Kingdome, and yet his Maieſtie receiveth but very little profit by the ſame.

VII.

Seventhly, the unuſuall and unlawfull increaſing of *Monopolies* to the advantage of few, to the diſprofit of his Maieſty, and the impoveriſhment of his people.

VIII.

Eighthly, the extream and cruell uſage of certain late Commiſſioners and other, towards the *Britiſh* Farmers and Inhabitants of the City and County of *London-derry*, by meanes whereof the worthy plantation of that Country is almoſt deſtroyed, and the Inhabitants are reduced to great poverty, and many of them forced to forſake the Country, the ſame being the firſt and moſt uſefull Plantation in the large Province of *Ulſter*, to the great weakning of the Kingdome, in this time of danger, the ſayd Plantation being the principall ſtrength of thoſe parts.

IX.

Ninthly, the late erection of the Court of high Commiſſion for cauſes Eccleſiaſticall in theſe neceſſitous times, the proceedings of the ſayd Court in many cauſes without legall warrant, and yet ſo ſupported as prohibitions have not been obtained, though legally ſought for, and the exceſſive fees exacted by the miniſters there of, and the incroaching of the ſame upon the iuriſdiction of other Eccleſiaſticall Courts of this Kingdome.

X.

Tenthly, the exorbitant and Barbarous Fees and pretended Cuſtomes exacted by the Clergie againſt the Law, ſome of which have beene formerly repreſented to your Lordſhip.

XI.

Eleventhly, the Petitioners do moſt heartily bemone that his Maieſties ſervices and profits are much more impaired than advanced by the grievances aforeſaid. And the Subſidies granted in the laſt Parliament having much increaſed his Maieſties Revenue by the buying in of Grants, and otherwiſe, and that all his Maieſties debts then due in this Kingdome were ſatisfied out of the ſayd Subſidies, and yet his Maieſty is of late (as your Petitioners have beene inform'd) in the Houſe of Commons become indebted in this Kingdome in great ſums, and they do therefore humbly beſeech that an exact account may be ſent to his Maieſty, how and in what manner his treaſure iſſued.

XII.

Twelfthly, the Petitioners do humbly conceive great and iuſt fears, at a Proclamation publiſhed in this Kingdome in *Anno Dom.* 1635. prohibiting men of quality or eſtate for to depart this Kingdome into *England*, without the Lord Deputies Licenſe, whereby the Subiects of this Kingdome are hindered and interrupted from free acceſſe and addreſſe to his ſacred Maieſty and Privie Counſell of *England*, to declare their iuſt grievances, or to obtaine remedie for them, in ſuch ſort as their Anceſtors have done in all ages, ſince the Reigne of King *Henry* the ſecond, and great Fees exacted for every of the ſaid Licenſes.

XIII.

Thirteenthly, that of late his Maieſties late Attourny generall hath exhibited informations againſt many ancient Burroughs of this Kingdome into his Maieſties Court of Exchequer, to ſhew by what warrant the ſayd Burroughes, who heretofore ſent Burgeſſes to the Parliament, ſhould ſend the ſayd Burgeſſes to the Parliament. And thereupon for want of an anſwer, the ſayd Priviledge

ledge of ſending Burgeſſes was ſeized by the ſayd Court, which proceedings were altogether *Coram non Judice*, and contrary to the Lawes and Priviledges of the Houſe of Parliament (and if way ſhould be given thereunto) might tend to the ſubverſion of Parliaments, and by conſequence to the ruine and deſtruction of the Common-wealth, and that the Houſe of Commons hath hitherto in this preſent Parliament bin deprived of the advice and Counſell of many profitable and good members by means thereof.

XIV.

Fourteenthly, that by the powerfulneſſe of ſome miniſters of State in this Kingdome, the Parliament in its members and actions hath not his naturall freedome.

XV.

Fifteenthly, that the fees taken in all the Courts of Iuſtice in this Kingdome, both Eccleſiaſticall, and Civill, and by other inferiour Officers and Miniſters, are ſo immoderately high, that it is an unſpeakable burthen to all his Maieſties Subiects of this, who are not able to ſubſiſt, except the ſame be ſpeedily remedied and reduced to ſuch a moderation as may ſtand with the condition of this Realme.

And laſtly, That the Gentry, Merchants, and other his Maieſties Subiects of this Kingdome, are of late by the grievances and preſſures aforeſayd and other the like, very neere to ruine and deſtruction. And Farmers of Cuſtomes, Cuſtomers, Waiters, Searchers, Clearks of unwarrentable proceedings, Purſevants, and Gaolers, and ſundry others very much inriched, whereby, and by the ſlow redreſſe of the Petitioners grievances, his Maieſties moſt faithfull and dutifull people of this Kingdome, do conceive great feares that their readineſſe approved upon all occaſions, hath not been of late rightly repreſented to his Maieſty.

For Remedy whereof, the ſaid Petitioners do humbly and of Right beſeech your *Lordſhip*, that the grievances and preſſures may be ſpeedily redreſſed. And if your *Lordſhip* ſhall not think fit to afford us preſent relief therein, that your *Lordſhip* may admit a ſelect Committee of this Houſe of perſons unintereſſed in the benefit ariſing, the aforeſaid grievances to be licenſed by your *Lordſhip*, to repaire to his ſacred Maieſty in *England* for to purſue the ſame, and to obtain fitting Remedies for their aforeſaid and other iuſt grievances and oppreſſions, and upon all iuſt and honorable occaſions, they will without reſpect of particular intereſt or profit to be raiſed thereby, moſt humbly and readily in Parliament, extend their utmoſt indeavours to ſerve his Maieſty, and comply with his Royall and Princely occaſions,

And ſhall pray, &c.

A Speech againſt the Judges, *per Ignotum quendam.*

Mr. *Speaker*,

IT was a cuſtome among the *Romans* (who as by their power they once gave laws, ſo by the happy ſucceſſe of their long flouriſhing Government, might they well give examples to all the world) that in their Senates the yongeſt men ſpake firſt: partly that they might not have their weaker notions anticipated by the more knowing Senators. And partly that the Senate might not be diverted from the mature reſolutions of the more ancient by the interpoſition of the younger men; They as all free States ever allowing free members to expreſſe themſelves according to their ſeverall capacities. And me thinks

thinks 'twas a happy Method. So your opinions and inclinations of the Aſſembly, being diſcovered and ripened to reſolution by ſuch gradations, the ſentences of the Sages ſounded as Iudgements, not orations, their wiſedome and gravity put a ſeaſonable Period to others, perhaps otherwiſe endleſſe diſcourſes.

Their precedent encourges me (who worſt may) to break the Ice: Children can lay their fingers on the Sore, point out their pain; and Infant Graduates in Parliament, may groan out the grievances of a diſeaſed Commonwealth, but they muſt be Doctors in the Art of Government that can apply apt remedies to recover it.

Mr. *Speaker*, Ancient and approved hath been that parallell of the body politique with the body naturall: 'Tis the part of their Patients in either diſtempered, to impart freely their griefs to the Phyſitians of the body or ſtate, if they expect a cure.

This Common-wealth is (or ſhould be) but one body. This houſe, the great Phyſitian of all our maladies, and alas, Mr. *Speaker*, of what afflicted part ſhall we poor Patients complain firſt? Or rather of what ſhall we not complain?

Are we not heart-ſick? Is there in us that which God requires, unity, purity, and ſingularity of heart? Nay is not Religion (the ſoul of this body) ſo miſerably diſtracted, that, I ſpeak it with terrour of heart, 'tis to be feared, there is more confuſion of religions amongſt us, then there was of tongues at the ſubverſion of *Babell*: And is it not then high time that we underſtand one another, that we were reduc'd to one *Faith*, one *Government*.

Sir, *Is the Head whole*: The ſeat of *Government* and *Juſtice*, the *Fountain* from whoſe ſweet influence, all the inferiour members of this body ſhould receive both vigour and motion: Nay, hath not rather a generall Apoplexy, or Palſie, taken, or ſhaken all our members? Are not ſome dead? Others buried quick? Some diſmembred, all diſor-

dered by the diverſion of the courſe of *Juſtice*.

Is the *Liver* (Natures Exchequer) open; from whoſe free diſtribution each limb may receive his proper Nutriment, or rather is it not wholly obſtructed? Our property taken from us? So that it may properly be ſaid of us, *Sic vos non vobis fertis aratra*, our Anceſtors drunk the juyce of their own Vines, reap'd and eat the fruit of their own harveſt. But now the poor mans Plough goes to furrow the Seas, to build Ships: we labour not for our ſelves but to feed the excreſſions of Nature, things grown up out of the ruines of the naturall members. *Monopoliſts*.

Sir, theſe are *Maxima vitalia*; Religion, Iuſtice, property; The Heart, the Head, the *Liver* of this great body, and theſe diſtempered or obſtructed, can the ſubordinate parts be free? No ſir, the truth is; all is ſo farre out of frame, that to lay open every particular grievance were to drive us into deſpair of cure; In ſo great confuſion where to begin firſt, requires not much leſſe care than what to apply.

Mr. *Speaker*, I know 'tis a plauſible motion to begin with ſetting Gods Houſe in order firſt: who preſſes that, moves with ſuch advantage, that he is ſure no man will gain-ſay him. 'Tis a welbecoming zeal to prefer Religion before our own affairs, and indeed 'tis a duty not to be omitted; where they are in equall danger: But in cure of the body, politique or naturall, we muſt prefer the moſt preſſing exigents.

Phyſitians know that Conſumptions, Dropſies, and ſuch like lingering diſeaſes are more mortall, more difficult to cure then ſlight externall wounds: yet if the leaſt Vein be cut, they muſt neglect their greater cures to ſtop that, which if neglected, muſt needs exhauſt the ſtock of nature, and produce a diſſolution of the whole man.

A Defection from the duties of our Religion is a Conſumption to any State, no foundation is firm that is not laid

laid in Chriſt.

The Denial of Iuſtice, the abridgement of our liberties, is ſuch an obſtruction as renders the Common-wealth *Leprous*; *but the wounds* in our property lets out the life-blood of the people.

The Reformation of *Church-Government* muſt neceſſarily be a work of much time, and God be thanked the diſeaſe is not deſperate; *We ſerve one God, we believe in one Chriſt, and we all acknowledge and profeſſe one Goſpel.* The difference is onely *de modo*, we vary but in Ceremonies to reduce which, to the Primitive Practice, muſt be a work of great debate, is not a work for us alone to ſettle.

The ſtop of Iuſtice can yet *injure* but particulars, *'Tis true, there may be many, too many inſtances of ſtrange oppreſſions, great oppreſſors*, but 'twill be hard to judge the Concluſion. *Et ſic de cæteris.*

But take from us the propriety of our eſtates, our ſubſiſtence, we are no more a people. This is that veyn which hath bin ſo deep cut, ſo farre exhauſt, that to preſerve our being, we muſt doubtleſſe ſtop this current: Then ſettle *Rules* to live by, when we are ſure to live.

Mr. *Speaker*, he that well weighes this little word Property, or propriety in our eſtates, will finde it of a large extent; The *Leeches* that have ſuckt this blood, have bin *Exciſe, Benevolences, Loans, Impoſitions, Monopolies, Military, Taxes, Ship-money (cum multis aliis)* all which ſpring from one Root.

And is it not high time to grub up that root that brings forth ſuch fruit? Shall we firſt ſtand to lop the branches one by one, when we may down with all at once? He that to correct an evill tree, that brings forth bad fruit, ſhall begin at the maſter bough, and ſo lop downwards, is in danger to fall himſelf before the tree falls. The ſafer and ſpeedier way is to begin at the root, and there, with ſubmiſſion to better judgements, would I lay the Axe

The Root of moſt of our preſent miſchiefs, and the ruine

ine of all poſterity, do I hold, to be that extraiudiciall (Iudgement I cannot ſay, but rather) doom, delivered by all the Iudges under their hands out of Court, yet recorded in all Courts, to the ſubverſion of all our Fundamentall *Laws*, *Liberties*, and *Annihilation*, if not *Confiſcation* of our eſtates. That in caſe of danger, the King may impoſe upon his ſubiects, and that he is the ſole Iudge of the danger, neceſſity, and proportion, which in brief, is to take what, when, and where he will, which though delivered in the time of a gracious and mercifull Prince, who we hope will not wreſt it beyond our abilities, yet left to the *Interpretation* of a ſucceeding Tyrant, if ever this Nation be ſo fortunate to fall into the hands of ſuch; it is a Record wherein every man might reade himſelf a ſlave that reades it, having nothing he can call his own, all proſtituite to the will of another.

What to do in ſuch a caſe, we are not to ſeek for precedents, our Honorable Anceſtors taught us in the juſt and exemplar puniſhments of chief *Iuſtice*, *Treſilian* and his Complices (for giving their *judgements* out of *Parliament* againſt the eſtabliſhed *Laws* of *Parliament*) how tender they were of us, how carefull we ought to be to continue thoſe Laws, to preſerve the Liberty of our Poſterity.

I am far from maligning the perſon, nor in my heart wiſh I the Execution of any man, but certainly it ſhall be a *Iuſtice* well becoming this Houſe, to lay their Heads at his Maieſties mercy, who laid us under his feet, who had made us but tenants at will of our Liberties and Eſtates.

And though I cannot but approve of Mercy, as a great Vertue in any Prince, yet I heartily pray it may prove a Precedent as ſafe and uſefull to this oppreſſed State, as that of Juſtice.

Mr. Speaker, blaſted may that tongue be, that ſhall in the leaſt degree derogate from the glory of thoſe Halcyon dayes

dayes our fathers enjoyed, during the Government of that ever bleſſed, never to be ſogot, Royall *Elizabeth*. But certainly I may ſafely ſay (without detraction) it was much advantage to the peace and proſperity of her Raign, that the great examples of *Empſon* and *Dudley* were then freſh in memory: The *Civility* of our *Laws* tell us, that Kings can do no wrong, and then is the State ſecure, when Judges (their Miniſters) dare do none. Since our times have found the want of ſuch examples, 'tis fit we leave ſome to poſterity. God forbid all ſhould be thought or found guilty, there are doubtleſſe ſome Ring-leaders, let us fiſt them out. *In publique* Government to paſſe by the Nocent, is equall injuſtice, as to puniſh the *Innocent*. An omiſſion of that duty now, will be a guilt in us, render us ſham'd in Hiſtory, curſt by Poſterity, our gracious, and (in that act of voluntary Juſtice) moſt glorious King, hath given up to the ſatisfaction of his afflicted People, the authors of their Ruines: the power of future preſervation is now in us. *Et qui non ſervat patriam, cum poteſt, idem facit deſtruenti patriam.*

What though we cannot reſtore the damage of the Common-wealth, we may yet repair the breaches in the bounds of Monarchy. Though it be with our loſſe and charge, we ſhall ſo leave our childrens children, fenced as with a wall of ſafety, by the reſtauration of our Laws, to their ancient vigor and luſtre.

'Tis too true, and 'tis to be feared, the Revenues of the Crown, ſold out-right, would ſcarce remunerat the iniuries, repay the loſſes of this ſuffering Nation, ſince the pronouncing of that fatall ſentence. What proportionable ſatisfaction then can this Common-wealth receive, in the puniſhment of a few inconſiderable Delinquents? But 'tis a *Rule* valid in Law, approved in equity, that *Qui non habent in crumen Luant in Corpore.* And 'tis without all queſtion in policy, exemplar puniſhments conduce more to the ſafety of a State, *than pecuniary reparations*;

Hope of impunity lulls every bad great-officer into ſecurity for his time, and who would not venture to raiſe a Fortune, when the allurements of honour and wealth are ſo prevalent, if the worſt is can fall, be but Reſtitution.

We ſee the bad effects of this bold-erroneous opinion; what was at firſt but corrupt *Law*; by encouragement taken from their impunity, is ſince become falſe Doctrine, the people taught in Pulpits, they have no property, Kings inſtructed in that deſtructive principle, that all is theirs, and is thence deduc'd into neceſſary ſtate-policy, whiſpered in counſell, That he is no Monarch, who is bounded by any *Law*.

By which bad conſequences, the beſt of Kings, hath bin by the infuſion of ſuch poyſonous poſitions diverted from the ſweet inclinations of his own Naturall Equity and Juſtice, the very eſſence of a King taken from him, which is preſervation of his people: and whereas *Salus populi* is, or ſhould be, *Suprema Lex*, the power of undoing us, is maſqu'd under the ſtile of what ſhould be Sacred Royall Prerogative.

And is it not high time for us to make examples of the firſt authors of this, ſubverted *Law*, *bad Counſell*, *worſe Doctrine?*

Let no man think to divert us from the purſuit of Juſtice, by poyſoning the clear ſtreams of our affections, with jealous fears of his Majeſties Interruption, if we look too high. Shall we therefore doubt of Juſtice, becauſe we have need of great Juſtice? We may be confident the King well knows, That his Juſtice is the Band of our Allegiance: That 'tis the ſtaffe, the proof of his Soveraignty.

'Tis a happy aſſurance of his intentions of grace to us, that our loyalty hath at laſt won him to tender the ſafety of his people: and certainly (all our preſſures well weighed this 12 yeers laſt paſt) it will be found the paſſive loyalty of this ſuffering Nation, hath out-done the active duty of all Times and Stories. As the Poet hath it, *fortiter*

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ille facit, qui miſer eſſe poteſt: I may as properly ſay, *Fideliter fecimus*, we have done loyally to ſuffer ſo *patiently*.

Then ſince our Royall *Lord* hath in mercy viſited us, let us not doubt, but in his Juſtice he will redeem his people. *Qui timidè rogat docet negare.* But when Religion is innovated, our Liberties violated, our Fundamentall Laws abrogated, our modern Laws already obſoleted, the propriety of our Eſtates alienated. Nothing left us, we can call our own, but our miſery and our patience: if ever any Nation might iuſtifiably, this certainly may now, now moſt properly, moſt ſeaſonably cry out, and cry aloud, *vel Sacra Regnet Iuſtitia, vel Ruat Cœlum.*

Mr. *Speaker*, the ſumme of my humble motion, is, that a ſpeciall *Committee* may be appointed, to examine the whole carriage of that Extraiudiciall iudgement. Who were the Counſellors, Soliciters, and ſubſcribers to the ſame: the reaſons of their Subſcription, whether according to their opinions; by importunity or preſſure of others, whether *pro forma tantum.* And upon report thereof to draw up a charge againſt the guilty, and then *Lex Curret, Fiat Iuſtitia.*

A brief Diſcourſe, concerning the power of the Peers and Commons of Parliament, in point of *Iudicature.*

SIR, to give you as ſhort an account of your deſires as I can, I muſt crave leave to lay you as a ground, the frame or firſt model of this State.

When after the period of the Saxon time, *Harold* had lifted himſelf into the Royall Seat; the Great men, to whom but lately he was no more equall either in fortune

or power, diſdaining this act, of arrogancy, called in *William*, then Duke of *Normandy*, a Prince more active than any in theſe Weſtern parts, and renowned for many victories he had fortunately atchieved againſt the French King, then the moſt potent Monarch in Europe.

This Duke led along with him to this work of glory, many of the younger ſons of the beſt families of *Normandy*, *Picardy*, and *Flanders*, who as undertakers, accompanied the undertaking of this fortunate man.

The Uſurpe ſlain, and the Crown by war gained, to ſecure certain to his poſterity what he had ſo ſuddenly gotten, he ſhared out his purchaſe, retaining in each County a portion to ſupport the Dignity Soveraign, which was ſtyled *Demenia Regni*; now the ancient Demeans, and aſſigning to others his adventures ſuch portions as ſuited to himſelf dependancy of their perſonall ſervice, except ſuch Lands as in free Almes were the portion of the Church, theſe were ſtyled *Barones Regis*, the Kings immediate Freeholders, for the word *Baro* imported then no more.

As the King to theſe, ſo theſe to their followers ſubdivided part of their ſhares into Knights fees, and their Tenants were called *Barones Comites*, or the like; for we finde, as in the Kings Writ in their Writs *Baronibus ſuis & Francois & Anglois*, the Soverai[illegible]ne gifts, for the moſt part extending to whole Counties or Hundreds, an Earl being Lord of the one, and a Baron of the inferiour donations to Lords of Town-ſhips or Mannors.

And thus the Land, ſo was all courſe of Judicature divided, even from the meaneſt to the higheſt portion, each ſeverall had his Court of Law, preſerving ſtill the Manner of our Anceſtors the *Saxons*, who *jura per pagos reddebant*; and theſe are ſtill tearmed Court-Barons, or the Freeholders Court, twelve uſually in number, who with the *Thane* or chief Lord were Judges.

The Hundred was next, where the *Hundredus* or *Aldermanus*, Lord of the Hundred, with the chief Lord of each

each Townſhip within their limits iudged; Gods people obſerved this form in the publike *Centurionis & decam Judicabant plebem omni tempore.*

The County or *Generale placitum* was the next, this was ſo to ſupply the defect, or remedy the corruption of the inferiour, *Vbi Curiæ Dominorum probantur defeciſſe, pertinet ad vice comitem Provinciarum*; the Iudges here were Comites, *vice comites & Barones Comitatus qui liberas in hoc terras habeant.*

The laſt and ſupreme, and proper to our queſtion, was *generale placitum apud London univerſalis Synodus* in Charters of the Conquerour, *Capitalis curia* by *Glanvile*, *Magnum & Commune conſilium coram Rege & magnatibus ſuis.*

In the Rolles of *Henry* the 3. It is not ſtative but ſummoned by Proclamation, *Edicitur generale placitum apud London*, ſaith the book of *Abingdon*, whether *Epium Duces principes, Satrapæ Rectores, & Cauſidici ex omni parte confluxerunt ad iſtam curiam*, ſaith *Glanvile*: Cauſes were referred, *Propter aliquam dubitationem quæ emergit in comitatu, cum Comitatus neſcit dijudicare.* Thus did *Etbelweld*, Biſhop of *Winchester*, transferre his ſuit againſt *Leoſtine*, from the County *ad generale placitum*, in the time of King *Etheldred*, Queen *Edgine* againſt *Goda*; from the County appealed to King *Etheldred* at *London. Congregatis principibus & ſapientibus Angliæ*, a ſuit between the Biſhops of *Winchester* and *Durham*, in the time of Saint *Edward. Coram Epiſcopis & principibus Regni in preſentia Regis ventilate & finita.* In the tenth yeer of the Conqueror, *Epiſcopi, Comites & Barones Regni poteſtate adverſis provinciis ad univerſalem Synodum pro cauſis audiendis & tractandis Convocati*, ſaith the book of *Weſtminſter*. And this continued all along in the ſucceeding Kings raigne, unſtill towards the end of *Henry* the third.

AS this great Court or Councell conſiſting of the King and Barons, ruled the great affairs of State, and controlled all inferiour Courts, ſo were there certain Officers, whoſe tranſcendent power ſeemed to be ſet to bound in the execution of Princes wills, as the Steward, Conſtable, and Marſhall, fixed upon Families in Fee for many ages: They as Tribunes of the people, or *explori* among the *Athenians*, grown by unmanly courage fearfull to Monarchy, fell at the feet and mercie of the King, when the daring Earle of *Leiceſter* was ſlain at *Eveſham*.

This chance and the deare experience *H.* the 3. himſelfe had made at the Parliament at *Oxford* in the 40. yeare of his Raign, and the memory of the many ſtraights his Father was driven unto, eſpecially at *Runny-mead* neere *Stanes*, brought this King wiſely to begin what his Succeſſour fortunately finiſhed, in leſſoning the ſtrength and power of his great Lords; and this was wrought by ſearching into the Regality they had uſurped over their peculiar Soveraigns, whereby they were (as the booke of St. *Albans* termeth them.) *Quot Domini tot Tiranni.* And by the weakning that hand of power which they carried in the Parliaments by commanding the ſervice of many Knights, Citizens, and Burgeſſes to that great Councell.

Now began the frequent ſending of Writs to the Commons, their aſſent not only uſed in money, charge, and making Lawes, for before all ordinances paſſed by the King and Peeres, but their conſent in judgements of all natures whether civill, or criminall: In proofe whereof I will produce ſome few ſucceeding Preſidents out of Record.

Liber S. Alban, fol. 20. 7. An. 44. H. 3.

When *Adamor* that proud Prelate of *Winchester* the Kings half brother had grieved the State by his daring power, he was exiled by joynt ſentence of the King, the Lords, and Commons, and this appeareth expreſſely by the

the Letter ſent to Pope *Alexander* the fourth, expoſtulating a revocation of him from baniſhment, becauſe he was a Church-man, and ſo not ſubject to any cenſure, in this the anſwer is, *Si Dominus Rex & Regni majores hoc vellent*, meaning his revocation, *Communitas tamen ipſius ingreſſum in Angliam jam nullatenus ſuſtineret*. The Peers ſubſign this anſwer with their names and *Petrus de Montford vice totius Communitatis*, as Speaker or Proctor of the Commons.

For by that ſtile Sir *John Tiptoſe*, Prolocutor, affirmeth under his Arms the Deed of Intaile of the Crowns by King *Henry* the 4. in the 8. year of his Raign for all the Commons. *Charta orig. ſub ſigil An. 8. H. 4.*

The baniſhment of the two *Spencers* in the 15. of *Edward* the ſecond, *Prelati Comites & Barones & les autres Peeres de la terre & Communes de Roialme* give conſent and ſentence to the revocation and reverſement of the former ſentence the Lords and Commons accord, and ſo it is expreſſed in the Roll.

In the firſt of *Edw.* the 3. when *Elizabeth* the widdow of Sir *John de Burgo* complained in Parliament, that *Hugh Spencer* the yonger, *Robert Baldock*, and *William Cliffe* his inſtruments, had by dureſſe forced to make a Writing to the King, wherby ſhe was diſpoyled of all her inheritance, ſentence is given for her in theſe words, *Pur ceo que avis eſt al Eveſques Counts, & Barones, & autres grandes & a tout Cominalte de la terre, que le dit eſcript eſt fait contre ley, & tout manere de raiſon ſi fuiſt le det eſcript per agard del Parliam. dampue elloquens al livre a ladit Eliz.* *Rot. Parl. 15. E. 3 vel. 2.*

In *An.* 4. *Edw.* 3. it appeareth by a Letter to the Pope, that to the ſentence given againſt the Earle of *Kent*, the Commons were parties, as well as the Lords and Peeres, for the King directed their proceedings in theſe words, *Comitibus, Magnatibus, Baronibus, & aliis de Communitate dicti Regni ad Parliamentum illud congregatis injunximus ut ſuper his diſcernerent & judicarent quod rationi & juſtitiæ* *Prela. Parliam. 1. Ed. 3. Rot. 11*

juſtitiæ, conveniret, habere præ oculis, ſolum Deum qui eum concordi unanimi ſententia tanquam reum criminis læſæ Majeſtatis morti adjudicarent ejus ſententia, &c.

Parl. An. 5. Edw. 3. When in the 50 yeere of *Edw.* 3. the Lords had pronounced the ſentence againſt *Richard Lions*, otherwiſe then the Commons agreed, they appealed to the King, and had redreſſe, and the ſentence entred to their deſires.

Parl. An. 1. Rich. 2. 11 3. 8. & 3. 5. When in the firſt yeere of *Richard* the ſecond, *William Weſton*, and *John Jennings* were arraigned in Parliament for ſurrendring certain Forts of the Kings, the Commons were parties to the ſentence againſt them given, as appeareth by a *Memorandum* annexed to that Record. In the firſt of *Hen.* the 4. although the Commons refer by proteſtation, the pronouncing of the ſentence of depoſition againſt King *Rich.* the 2. unto the Lords, yet are they equally intereſſed in it, as it appeareth by the Record, for there are made Proctors or Commiſſioners for the whole Parliament, one B. one Abbot, one E. one Baron, and 2. Knights, *Gray*, and *Erpingham* for the Commons, and to infer that becauſe the Lords pronounced the ſentence, the point of judgement ſhould be only theirs, were as abſurd as to conclude, that no authority was beſt in any other Commiſſioner of *Oyer*, and *Terminer* then in the perſon of that man ſolely that ſpeaketh the ſentence.

Rot. Parl. An. 2. H. 6 In 2. *Hen.* 5. the Petition of the Commons importeth no leſſe than a right they had to act and aſſent to all things in Parliament, and ſo it is anſwered by the King; and had not the adjourned Roll of the higher Houſe beene left to the ſole entry of the Clark of the upper Houſe; who, either out of the neglect to obſerve due forme, or out of purpoſe to obſcure the Commons right, and to flatter the power of thoſe who immediately ſerved, there would have been frequent examples of all times to cleere this doubt, and to preſerve a juſt intereſt to the Common-wealth, and how conveniently it ſuites with Monarchy to maintaine this forme, leſt others of that well framed bodie

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knit under one head, ſhould ſwell too great and monſtrous. It may be eaſily thought for; Monarchy againe may ſooner groan under the weight of an Ariſtocracie as it once did, then under Democracie which it never yet either felt or fear'd.

Sir *John Hollands* Speech in Parliament, 1640.

Mr. Speaker,

THe time of actions are not for rethorick and elocution which emboldens me to riſe; And though I muſt acknowledge my ſelfe to be one of the yongeſt Schollers, and meaneſt proficients in this great Schoole of wiſedome, yet I conceive it a great part of my duty at this time both to deliver my ſuit and conſcience. We are called hither Maſter Speaker by the Royall power, we ſit here by the Kings Majeſties grace and favour, and ſince his Majeſty hath beene graciouſly pleaſed to leave the government of all in our hands, I doubt not but we ſhall lay ſuch a foundation in the beginning of this Parliament, that we ſhall make it a happy Age, a long laſting one ſince the dangers of theſe times, the preſent diſtempers of this State, and therein both his Majeſtie, and our neceſſities, yea and the whole Kingdomes ſafety do require it.

We are called now, Maſter Speaker, as I conceive from the reports you have made of his Majeſties gracious Declaration, for foure principall cauſes. Firſt, for ſupply of his Majeſties wants. Secondly, for the relief of our Brethren in the Northern parts. Thirdly, for the remove

of the *Scots* forces. Fourthly, for redreſſe of our owne grievances. That his Majeſties wants are great and many, Maſter Speaker, I thinke there is no man doubts it; and it is as certain our grievances are ſo to, they are great and many both in Church and Common-wealth; I ſhall but touch them in either, ſince they have been ſo fully remonſtrated in both.

Firſt in the Church, by the uſurping power of ſome Prelates and their adherents, by which means many great dangers, innovations of doctrines, of diſcipline, of government have been thruſt upon us.

Secondly in the Church, by publique ſufferances of Prieſts and Jeſuits, not only to come into the land, by which means the number of Romiſh Catholiks are dangerouſly multiplied, Idolatry increaſed, and Gods heavie judgements highly provoked.

Thirdly in the Common-wealth, by the late inundations of the Prerogative Royall, which have broken out, and almoſt overturned all our liberties, even thoſe which have been beſt and ſtrongeſt fortified, the *Grand Charter* it ſelf Mr. Speaker, that which hath been ſo oft, ſo ſolemnly confirmed in the Succeſſion of ſo many Princes, ratified in his Majeſties name, founded by the wiſedome of former ages, purpoſely to keepe the beame over and between Soveraignty.

Even this Maſter Speaker, the deareſt and chiefeſt part of our inheritance hath been infringed, broken, and ſet at nought in the Common-wealth by the over-potencie of ſome faire great ones, ſacred Councellors of State; by whoſe advices it is thought the greateſt part of theſe preſent diſtempers, under which the body of this Common-wealth at this time labours, doe deprive their originalls.

Fourthly in the Common-wealth, by the miſchievous practiſes and policies of ſome ſubtill Projectors, and under the title of the Kings profit, and the publique good; they

they have entitled themſelves to great and vaſt eſtates, and that by the dammage of the whole Kingdome.

They are Maſter Speaker, the very moths and cankers that have fretten and eaten out all Trade and commerce, the very beauty, ſtrength, and health of this famous Iſland.

In the Common-wealth, by the entertainment of Forraigners and ſtrangers, and that at his Majeſties exceſſive charge, by which means his Majeſties Coffers are emptied, his Revenues ſhortned, and the whole Kingdome many other wayes oppreſſed. But Maſter Speaker, I ſhall not trouble my ſelfe any further in ſo vaſt, ſo large a field; I ſhall now repreſent my owne weak apprehenſions for our progreſſions in all the particulars for which we have been called, and in all humility ſubmit unto them.

Firſt, of ſupply in his Majeſties wants, I do humbly deſire we may proceed there within its due time; and that with as much loyall dutie and liberality, as ever any people expreſſed towards their Prince, I think I may ſay the preſent affairs of the Kingdome require it.

For the relieſe of our Brethren in the Northern parts, with a ſenſe of charity, and fellow feeling of the miſeries, afflictions, and loſſes, In the removing of the *Scottiſh* Armie with a ſoft and gentle hand of mediation, purification, and reconciliation, if poſſible it may be wrought with his Majeſties honor, and the Kingdomes ſafety (if not) then to repell and repulſe them with ſtout and reſolute ſpirits, with valiant and united hearts and hands, ſuch as ſhall beſt ſuite with our duty to God, our King, our Country; ſuch as ſhall beſt become his honor, and ancient renowne of this Engliſh Nation.

In redreſſe of our grievances in thoſe of the Church, which ought to have priority in our conſultation; as well in reſpect of neceſſity, as dignity. In theſe Maſter Speaker, I do humbly deſire, and doubt not but we ſhall

proceed with all true piety, and well grounded on each guiding Helve towards Gods Houſe, and his truth. In thoſe of the Communalty, with a religious care of our Countries freedom, in the faithfull performance of the truſt repoſed in us, by them that ſent us, in the preſervation of our rights, our ancient rights, the rights of our inheritance, our liberties, our priviledges, our properties.

Yet in all, Mr. *Speaker*, I do humbly deſire we may proceed, as beſt ſuiting the matter and condition of theſe diſtempered times, or as beſt becoming the honour, dignity, and wiſedom of this ſo great a Court, ſo great Councell, with all temper, modeſty, and all due moderation.

SIR

EDWARD HALE

HIS

SPEECH.

Mr. *Speaker*,

HIs Majeſty hath been graciouſly pleaſed to call us together again, to conſider freely of all matters of grievances, both of this Church and Common-wealth of *England*, and for to be aſſiſtants in our Counſels and helps unto him, about the Scottiſh Nation; that forceably have entred into our Kingdom, ſo as they may be ordered into their own Country, or chaſed away out of this, without any diſhonour to the Kings Majeſty and this Kingdome;

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all which matters are of great importance, moment, and conſequence, and will crave great conſideration and debating, in our beſt wills, wiſedoms, and diſcretions, and that muſt be freely to give us leave.

Firſt therefore, under your favour, I do conceive it fit to make this a happy Parliament, to begin at home; For better it were the Scots come unto us, than the devill ſhould raiſe his Army, to overthrow us both in Church and Common-wealth.

For it is too plain, he is come with great power, and his malice is great, and his policy ſtrong, put into the heads of the Papiſts (no mean ones) and Prelates, Schiſmaticks, and Atheiſts, in ſeverall Bands, which hath and ſeeketh to prevail ſo much by their ſeverall deſignes. Carefully, lovingly, and dutifully mentioned, and rightly too by the Lords Petition at *York*, and by a Petition of the Citizens at *London*, and alſo by a Petition of worthy Gentlemens ſons, Apprentices thereof, ſo reputed to be. All which ſhow the whole eſtate of our Church and Common-wealth to be grievouſly diſeaſed of a Pluriſie, and muſt have a preſent and good cure, or elſe *England* is overthrown, which is the mother and Almoner of the Kings well-fare, and his poſterity. Which diſeaſe, the King not fearing nor knowing, he had ſome ill counſell to let it run ſo farre in jeopardy of trouble and diſtreſſe: And herein give me leave to tell you the ſtory of *Noah*, a King in the the Ark; yet after he was over-ſhot, and taken by the Vines of his own planting, and brought himſelf to ſome diſhonour thereby, as ſome of our Engliſh Kings heretofore have done by their favourites, untill they ſaw it, and this is it that made the Papiſts and Prelates rejoyce in their own wiſedom and honour, like *Cham*, that ſaw his father ſo deceived; but ſuch deſerve a curſe for it, both of God and man, in reſpect of the matters contained in the foreſaid Petitions of our Engliſh Lords, as alſo for that the former Parliament might have ſettled all things in

quiet, enriched the Kings Coffers, enabled to withſtand all powerfull pretences, and no doubt, but to have qualified the humour of the Scots, to all our contents. Therefore theſe deſerve the curſe of *Cham* that were movers and ſtoppers, and hinderers of it.

When things might have been compoſed convenient, without warre or ſtrife, and not upon ſo extreme neceſſity, which is now brought upon us, and maketh the Scots proverb in uſe (neceſſity hath no Law) for their defence.

But now our Proverb is drawn from thence, we muſt make a vertue of neceſſity, a hard caſe for a good take heed and counſell; For ſince the plot of an after intended warre, had an ill policy, that would wrong good *Noah* their father, and his children, in ſuch a manner of proceeding, and then in glory and defence of it, againſt this Houſe of Commons, cauſe a booke to be publiſhed againſt our proceedings, theſe men which were the cauſe of publiſhing of it, are fit to publiſh 't as *Noahs* curſed ſon *Cham*, ſhameleſſe. And we for our parts in the Houſe of Commons, together with the higher Houſe of Lords, I hope will not ſo leave them, but be rejecters of them, as good *Shem* and *Japheth*, acknowledging them to be vain members, that go about to [illegible]plant our wrong, the Vineyard, our juſt King and his Kingdom.

Now therefore conſider the former, it ſhall be fit before we enter upon conference, to be ſtrengthened and enabled for diſcharge of our well meaning both to our King and Country, anſwerable to his late ſpeech, to gain and obtain his free love, conſent, power on theſe three points and cautions, handled and moved the laſt meeting.

Firſt, free liberty of ſpeech.

Secondly, each ones right to our ſelves.

Thirdly, for reformation of Religion.

And theſe things granted to proceed freely without delay of time or matters, to the cure of ſuch deadly diſeaſes if they be let alone.

Firſt,

Firſt, I would conceive, under favour of bette judgements, to begin with *Sathans* Roots of evill, *viz.* All Papiſts, becauſe they are of the moſt dangerous ſeed of the Serpent, to the hurt of the Church and Commonwealth herein; that we agree with a generall conſent of Parliament, to ſearch, ſee, and finde out all the Jeſuits, Prieſts, Friars, Cappuchines, and all ſuch Romiſh factions; and by order to all the Juſtices of Peace in England, to impriſon them, or to ſend them all to ſome out-Townes, to baniſh them all out of the Land ſpeedily, while you be in other Councell here ſitting, and thence to ſhip them away at their owne chages, and upon good bonds and ſecurity, that they never return into *England*, *Scotland*, or *Ireland*; and if they ſhould, both the bonds and the Lawes to be executed upon them.

And for other long Inhabitants, Papiſt, and Recuſants, ſuch as may ſeeme honeſt Subjects (only for Religion) the old orders and Statutes to be put in execution, without the abatement of the penalties, till they ſhall conforme to our Religion; and if any have wincked, or underhand compounded for the time paſt, to be puniſhed, and made pay ſo much unto the Kings Cofers, as juſtly due by the Statute ever ſince King *Charles* his Raigne.

The firſt courſe and Act of Parliament being ſpeedily put in execution whileſt we ſit here, will not only excuſe the pretended charity that Papiſts hope for from the King and Queen, but will alſo manifeſt the true piety againſt their hereſies for ever, and will be a good ſatisfaction to the *Scots*, which make theſe one of the chiefeſt intents and cauſes of their comming into this Kingdome, which we wiſh they had no worſe intents; and ſure it will be a means to try their intents, and our owne too, and then we have hope to entreat the *Scots* to ſtay our leiſures.

Sir *John Wray* his Speech touching the *Canons* the 15. of December, 1640.

Mr. Speaker,

A Man may eaſily ſee to what tend all theſe innovations and alterations in Doctrine and Diſcipline, and (without perſpect time) diſcover a farre off the active toylſomeneſſe of theſe ſpirituall Ingineeres to undermine the old and true foundation of Religion, and eſtabliſh their tottering hereſie in Rome thereof, which leaſt it ſhould not hold being built with untempered morter: You ſee how carefull they are by a paſt oath to force mens conſciences not to alter their government Archiepiſcopall.

And Maſter Speaker, the thoughts of the righteous are right, but the counſells of the wicked are deceits, and nothing elſe in their hearts but deſtructions and devaſtations, but to the counſellors of peace is joy, ſo long as they kept themſelves within the circle of the ſpirituall commerce, and ſtudied to keepe mens hearts upright to God, and his Truth; there was no ſuch complaining in our Streets of them, nor had we never ſeene ſo many thouſand hands againſt them as now there are come in. And no marvell though God withdrawes ſo many hearts and hands from them, who have turned ſo many out of the way of truth, (*vita tuta*) they have ſtopt up but (*via devia*) they have enlarged and layd open, as appears by their crooked Canons,

Maſter

Maſter Speaker, I ſhall not goe about to overthrow their government in the plurall, but to limit it, and qualifie it in ſome particulars. For Sir *Francis Bacon* long ſince well obſerved there two things in the government of Biſhops, of which he could never be ſatisfied, no more can I; the firſt was the ſole exerciſes of the authorities.

And ſecondly, by the deputation of that authority.

But Maſter Speaker, I ſhall not now diſpute of either, for mine own part Maſter Speaker, I love ſome of them ſo well, and am ſo charitable to the reſt, that I wiſh rather their reformation, then their ruine.

But let me tell you withall, that if we ſhould finde amongſt them any proud *Becket*, or *Wolſey* Prelates, who ſtick not to write *Ego & Rex meus*. Or if there ſhall be found any cruell *Bonners*, &c. ſuch I confeſſe I would not ſpare, for they will ſpare none. But in the counterballance, if there may be found but one good *Cranmer*, or one good *Latimer*, or *Ridley*, I would eſteeme and prize them as ſuch jewels to be ſet in the Kings own Cabinet; for ſuch I am ſure will pray for the peace of *Jeruſalem*, and for the peace of King *Charles*, and his three Kingdomes, which God long preſerve in concord and unity.

But Maſter Speaker, we muſt alſo be Actors in the preſervations of Religious concordance, which wil never be ſafe, nor well at quiet, untill theſe heavy droſſie Canons with all their baſe mettall be melted and diſſolved; let us then diſmount them, and deſtroy them, which is my humble motion.

A SECOND SPEECH made by Sir *John Wray*, in the Commons Houſe, 24. November, 1640.

Mr. *Speaker*,

BY the report made from the Committee of Religion, you may ſee to what exorbitant height Poperie is growne, and yet how ſlowly we go on to ſuppreſſe it. I feare God is diſpleaſed with us, or elſe no diſaſter ſhould have prevented the ſealing of our Covenant, when intended, and I hope it ſhall be performed the next Sabbath.

Had our Faſt beene accepted, and our Humiliation Cordiall, no blow ſhould have diſtracted our preparation. Maſter Speaker, if we had taken the good Counſell of our Teachers at the Faſt, and beleeved their Report, we had done well; and by this time (no doubt) we might have found out *Achan* with his Wedge of Gold, and Babiloniſh garment. But we have ſpent our time onely in peeling of the Barke, and

and ſnatching the boughes and branches of Poperie, and that will doe us no good, for they will prove, and grow thicker and harder.

What muſt we do then, Maſter Speaker, to preſerve our Religion ſafe and ſound to us and to our Poſterity, that our Candleſticke be not removed. The only way is to fall to our worke in earneſt, and lay the Axe to the Root, to unlooſe the long and deepe fangs of Poperie and Superſtition, which being once done, the bodie will ſoone fall downe.

Let us then Maſter Speaker, endeavour a through Reformation; for if it be imperfect, it will prove the ſeed of diſſolution, if not diſſolutions, which God forbid. And to prevent it, I ſhall humbly move that the Groves and High-places of Idolatry may be removed and put down, and then Gods wrath will be appeaſed, and till then never.

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Mr. GRIMSTONS SPEECH,

In the Houſe of Commons IN PARLIAMENT,

CONCERNING EPISCOPACY,

In *Feb.* 1640.

Mr. Speaker,

THeſe two honorable Lords, Lord *Digby*, Lord *Faulkland*, that ſpake laſt, have not only prevented me in much I intended to have ſpoken my ſelf, but they have likewiſe taught me much I knew not before; Therefore it is not much you can expect from me: All that I ſhall ſay at this time, is rather to prepare the matter for the queſtion, which hath already been ſo learnedly debated by them, than to ſpeak any thing of the matter it ſelf. I muſt confeſſe, when I look upon the Biſhops, or at leaſt, upon ſome of them, and the way of their Government, and the ſufferings of the people, under their Tyranny: I wonder not at all at the multitude of Petitioners and Petitions, that have this Parliament been preferred againſt them, and that they all cry out, Crucifie Crucifie, or that they would have been up by the roots, but it

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is neceſſary we ſhould diſtinguiſh between the perſons of the Biſhops, which are ſo obnoxious, and their Functions and Offices; for there is no more weight in the Argument, that becauſe the Biſhops have done amiſſe, therefore take away Epiſcopacy, than there is in it, becauſe the Judges of the Common Law are in fault, therefore take away Judges, and take away the Common Law: For my own part; I conceive it an eaſier matter, and ſafer for us, (*Addere Inventis*) to reform what is amiſſe in them and their Government, then (*Creare Novum*) to ſet up a new form of Goverment, wch we have had no experience of, nor do we know how it ſhould ſuit either with the humours of the people, or with the Monarchiall Government; And it may be the new Government which is ſo much deſired, if it be brought in upon the grounds and foundations that ſome would have it, it will be out of our powers ever to miniſter it again. Whereas on the other ſide, the Government which is already eſtabliſhed, if the Governours exceed their bounds, they may fall into a *Prémunire*; and other penalties which the Law hath provided in that Caſe; and if that be not ſufficient, we have yet another hanck upon them, for our Parliaments have continually a command over them.

Then, Sir, It may be demanded of me of their being ſo much amiſſe, what is that I would have done?

Truely Sir, I am of opinion, that much muſt be done, or elſe we had as good do nothing.

Therefore I come to the particulars, Church Government may be compared to a Caſtle, let a Caſtle be never ſo ſtrong, once in four-ſcore yeers (for ſo long it is ſince the firſt reformation) it may need repair, and it is not the Caſtle alone, I mean the Government, that needs repair, but likewiſe the Governours themſelves, who moſt wickedly and trayterouſly have turned their Canons upon us, which ſhould have been uſed for our defence.

In the firſt place therefore I conceive it not onely con-

venient,

venient, but of abſolute neceſſity, and the payring of their excreſcences, I mean their temporall Juriſdiction: I muſt confeſſe, I know not to what purpoſe they ſhould ſit upon our Benches at our Seſſions of the Peace, and Goal-Deliveries, or in the Starre-Chamber, for by wofull experience, we finde that their Judgements are guided there more by their boundleſſe wills, and fiery tranſported paſſions, than by reaſon, and the rule of Law, which ought to have been their director. I conceive that of leſſe uſe their ſitting at the Councell boord, to be there at the Helm to guide and ſteer the temporall affairs of the Common-wealth, certainly that is not the Plough they ought to follow, and by the neglecting of it, that is the reaſon that ſo many briers, brambles, and ſtinking weeds, are ſprung up in Gods Houſe, the Church, to the great deſtruction of all his Majeſties Kingdoms here at home, and the great wonder and amazement of all the reformed Churches abroad.

And I conceive it of the leaſt uſe of all their ſitting in Parliaments, as powers to give their voices in the making of Laws; and yet I would not utterly exclude them. For I conceive it might be convenient that all, or at leaſt, ſome of them might alway be preſent there as Aſſiſtants, to give their advice in Spirituall matters when they are thereunto required by the Lords, as the Juſtices do in Temporall.

In the next place I conceive it of, as abſolute neceſſity, the robbing of the Juriſdiction of the high Commiſſion Court, or at leaſt, to limit and bound it, that it may (*quadrare*) with the great *Charter* of our liberties, and the Laws of this Kingdom.

This Court hath for many years together, ridden upon the back of the common Law Courts, which ought to have been ſubſervient to them. Each river muſt be kept within its own bounds, and it is unpoſſible to have two Suns ſhine together in one Firmament.

They have likewiſe many ſuperfluous Courts, which I conceive

conceive might very well be ſpared, as their Officiall Courts, and Commiſſary Courts. Sir, they are no better than cozening Lotteries, where the Kings Subjects are detained of their moneyes, and where their Judges and inferiour Officers do, like Phyſitians that alway cure themſelves, though they deſtroy their patients. I confeſſe, I could willingly give my conſent that they ſhould keep their Chancellors Court, and an Archdeacon Court, if ſuch limits and bounds were put upon them, as by the wiſedom of this Houſe may eaſily be done.

The Chancellor is (*cuſtos conſciencie*) the Keeper of the Biſhops conſcience, and the Archdeacon is (*oculus Epiſc.*) the Biſhops eye; And as I would not take away their conſciences or their eyes, ſo I would not have them like *Briarius* have their finger in every buſineſſe. This Sir, I have ſhortly preſented you with my opinion, that is, that I am not willing it that ſhould be referred to, or committed upon the point of ſubverſion, but I am willing it ſhould be referred upon the point of reformation. And if the ſence of the Houſe ſhall run that way, I doubt not but at the Committee I ſhall make it manifeſt, that my heart ſtands affected with as much zeal, for the having a reformation, as any man that ſits within theſe walls.

DENSELL

DENSELL HOLLIS Eſquior, His ſpeech at the deliverie of the Proteſtation to the Lords, *May* the fourth, 1641.

My Lords,

THe Knights, Citizens and Burgeſſes of the Houſe of Commons, having taken into their conſideration the preſent eſtate and condition of this Kingdome, they finde it ſurrounded with variety of pernicious dangers, and deſtructive deſignes, practiſes and plots, againſt the well being of it, and ſome of thoſe deſignes, hatched within our owne bowells, and Viper-like working our own deſtruction.

They finde Jeſuits, and Prieſts conſpiring with ill miniſters of State, to deſtroy our Religion; they finde ill miniſters conioyn'd together to ſubvert the Lawes and liberties. They finde obſtructions of Juſtice, which is the life-bloud of every State, and having a free paſſage from the Soveraign power, where it is as primarily ſeated as the life-bloud in the heart, and there derived from the ſeverall Judicatories, or through ſo many veins, into all the parts of this great collective Bodie, doth give warmth and

and motion, to every part and member, which is nouriſhed and inlivened by it. But being once precluded ſtoppd, and reared as the particular muſt of neceſſity faint and languiſh, ſo muſt the whole frame of government be diſſolved.

And conſequently Soveraignty it ſelfe (which as the heart in the body, is *primum movens, & ultimum moriens*, muſt dye and periſh in the generall diſſolution, and all things as in the beginning *in antiquum Chaos*.

My Lords,

They finde the property of the Subject invaded and violated, his eſtate rent from him by illegall taxations, Monopolies and proiects almoſt upon every thing that is for the uſe of man, not only upon ſuperfluities, but neceſſaries? and that enrich the Vermine and Caterpillers of the Land, and impoveriſhing good Subiects, to take the meat from the Children, and give it to Dogs.

My Lords, if the Commons finde theſe things, they conceive they muſt needs be ill counſels, that have brought us into this condition.

Theſe Counſels have put all into a combuſtion, have diſcouraged the hearts of all true Engliſh men, and brought two Armies into our bowels, which is the Vulture upon *Prometheus*, eats through, and ſucks and gnaws our very hearts out.

Hic Dolor, ſed ubi Medicina?

Heretofore Parliaments were the *Catholicall*, the balm of *Gilead*, which healed our wounds, reſtored our ſpirits, and made up the breaches of the Land.

But of late years they have been like the Fig-tree in the Goſpel, without effecacie, without fruit, onley deſtructive to their particular members, who diſcharged their duties and conſciences no way beneficiall to the Common-welth. *Nobis exitiale, nec Reipublico profuturum.* As he ſaith in *Tacitus*, being taken away ſtill as *Elias* was with a whirle-wind, never comming to any maturity, or

to their naturall end, whereas they ſhould be like the bleſſed old man, who dieth, *plenus dierum*, in a full age, after he had fought a good fight, and overcome all his enemies, Or as the ſhocke of wheat, which commeth in due ſeaſon to fill our Garnaries with corn, uphold our lives with the ſtaffe of bread; for Parliaments are our *panis quotidianus*, our true bread, all other waies are but *Quelkachoes* which yeeld no true nouriſhment, bread, nor good blood.

The very Parliament which hath ſate ſo long, hath but beat the Ayre, and ſtrive againſt the ſtreame, I may truly ſay the wind and tyde hath ſtill been againſt us. The ſame ill counſell which firſt raiſed the ſtorm, and almoſt ſhipwrackt the Common-wealth, they ſtill continue, they blow ſtrong like the Eaſt wind that brought the Locuſts over their Counſells, croſſe our deſignes, caſt difficulties in our way, hinder our proceedings, and make all that we do to be fruitleſſe and ineffectuall: They make us not maſters of our buſines, and ſo not maſters of many, which have been the great buſines of this Parliament, that we might pay the Armies, according to our promiſes and engagements.

For my Lords, our not effecting of the good things which we have undertaken for the good of the Church and of the Common-wealth, hath wounded our Reputation, and taken off from our credit.

Is it not time then, my Lords, that we ſhould unite, and concentrate our ſelves, in regard of this *Antepariſtaſis*, of hurtfull and malicious intentions and practiſes againſt us.

My Lords, it is moſt agreeable to nature, and I am ſure moſt agreeable to reaſon, in reſpect of the preſent coniuncture of our affairs, for one main Engine by which our enemies work our miſchief, is by infuſing an opinion and beleif into the world, that we are not united among our ſelves. But like *Sampſons* Foxes, we draw ſeverall wayes, and tend to our ſeverall ends.

To

To defeat the Counſels of theſe *Achitophels* which would involve us. Our Religion, our being, our Lawes, our liberties, all that can be neere and deere unto an honeſt ſoule, in one univerſall and generall deſolation, to defeat I ſay, the Counſels of evill *Achitophels*, the Knights, Citizens and Burgeſſes of the Houſe of Commons (knowing themſelves to be ſpecially entruſted with the preſervation of the whole, and in their Conſcience are perſwaded that the dangers are ſo eminent, as they will admit of no delay) have thought fit to declare their united affections, by entring into an aſſoſciation amongſt themſelves, and by making a ſolemne Proteſtation and vow unto their God, that they will unanimouſly endeavour to oppoſe and prevent the Counſels and Counſellours which have brought upon us all theſe miſeries, and the fears of greater, to prevent the ends, and bring the Authors of them to condigne puniſhment, and thereby diſcharge themſelves better before God and man.

The Proteſtation your Lordſhips ſhall have read unto you, together with ground and reaſons which have induced the Houſe of Commons to make it, which are prefixed before it by way of Preamble.

Then the Proteſtation was read
by Maſter *Maynard*.

Die Mercurii 5 May, 1641.

IT is this day ordered by the Houſe of Commons now aſſembled in Parliament, that the Preamble, togtheer with the Proteſtation which the Members of this Houſe made the third of *May*, ſhall be forthwith Printed, and the Copies printed, brought to the Cleark of the ſaid Houſe, to Atteſt under his hand, to the end that the Knights, Citizens, and Burgeſſes may ſend them down to the Sheriffes, and Juſtices of Peace of the ſeverall Shires, and to the Citizens and Burgeſſes of the ſeverall Cities, Boroughes, and Cinque Ports reſpectively. And the Knights, Citizens, and Burgeſſes are to intimate unto the Shires, Cities, and Boroughes, and Cinque Ports, with what willingneſſe all the Members of this Houſe made this Proteſtation. And further to ſignifie, that as they juſtifie the taking of it in themſelves, ſo the cannot but approve it in all ſuch as ſhall take it.

A Preamble with the Proteſtation made by the whole Houſe of Commons the third of *May*, 1641. and aſſented unto by the Lords of the upper Houſe the fourth of *May* laſt paſt.

WE the Knights, Citizens, and Burgeſſes of the Commons Houſe in Parliament, finding to the griefe of our hearts, that the deſignes of the Prieſts and Jeſuits, and other adherents to the See of *Rome*, have of late

late more boldly and frequently put in practice then formerly, to the undermining and danger of the Ruine of the true reformed Religion, in his Majeſties Dominions eſtabliſhed, and finding alſo that there hath bin, and having cauſe to ſuſpect there ſtill are, even during the ſitting in Parliament, endeavours to ſubvert the fundamentall Lawes of *England*, and *Ireland*, and to introduce the exerciſe of an Arbitrary and tyrannicall government, by moſt pernicious and wicked counſells, practiſes, plots, and conſpiracies, and that the long intermiſion, and unhappier breach of Parliaments, hath occaſioned many illegall Taxations; whereupon the Subjects have beene proſecuted and grieved, and that divers Innovations and Superſtitions have been brought into the Church, Multitudes driven out of his Maieſties Dominions, Jealouſies raiſed and Fomented between the King, and his people, a Popiſh Armie leavied in *Ireland*, and two Armies brought into the bowels of this Kingdome, to the hazard of his Majeſties Royall Perſon, the Conſumption of the Revenue of the Crown, and the treaſure of this Realme. And laſtly, finding the great cauſes of Jealouſie, endeavours have beene and are uſed to bring the Engliſh Armie into miſ-underſtanding of this Parliament; thereby to encline that Armie by force, to bring to paſſe thoſe wicked counſells, have therefore thought good to ioyn our ſelves in a Declaration of our united affections, and reſolutions, and to make this enſuing Proteſtation.

The Proteſtation.

I *A.B.* Do in the preſence of Almighty God, promiſe, vow, and proteſt to maintain and defend, as farre as lawfully I may, with my life, power, and eſtate, the true Reformed Proteſtant Religion, expreſſed in the Doctrine of the Church of *England*, againſt all popery and popiſh Innovation within this Realm, contrary to the ſaid Doctrine, and according to the duty of my Allegiance, I will maintain and defend his Majeſties Royall Perſon, Honor, and Eſtate.

As alſo the power and priviledge of *Parliaments*, the lawfull Rights and Liberties of the Subjects. And every perſon that ſhall make this Proteſtation, in whatſoever he ſhall do in the lawfull purſuance of the ſame, and to my power, as farre as lawfully I may, I will oppoſe, and by all good wayes and means endeavour to bring condigne puniſhment on all ſuch as ſhall by force, practice, counſels, plots, conſpiraces, or otherwiſe, do any thing to the contrary in this preſent proteſtation contained, and further, that I ſhall in all Juſt and Honorable wayes, endeavour to preſerve the union and peace betwixt the three Kingdoms of *England*, *Scotland*, and *Ireland*. And neither for hope, fear, or any other reſpects, ſhall relinquiſh this promiſe, vow, and Proteſtation.

The

The Bill of Attainder, that paſſed againſt *Thomas*, Earl of *STAFFORD*.

WHereas the Knights, Citizens, and Burgeſſes of the Houſe of Commons, in this preſent Parliament aſſembled, have, in the name of themſelves, and of all the Commons of *England*, impeached *Thomas*, Earl of *Strafford* of high Treaſon, for endeavouring to ſubvert the Ancient and Fundamentall Laws and Government of his Majeſties Realms of *England* and *Ireland*, and to introduce an Arbitrary and Tyrannicall Government againſt Law in the ſaid Kingdoms; and for exerciſing a Tyrannous and exorbitant power, over and againſt the Laws of the ſaid Kingdoms, over the Liberties, Eſtates, and Lives of his Majeſties Subjects; and likewiſe for having by his own authority, commanded the laying and aſſeiſing of ſouldiers upon his Majeſties Subjects in *Ireland*, againſt their conſents, to compell them to obey his unlawfull commands and orders made upon paper Petitions, in cauſes between party and party, which accordingly was executed upon divers of his Majeſties Subjects in a Warlike manner, within the ſaid Realm of *Ireland*; and in ſo doing, did levie Warre againſt the Kings Majeſty and his liege people in that Kingdome; And alſo for that he upon the unhappy Diſſolution of the laſt Parliament, did ſlander the Houſe of Commons to his Majeſty, and did counſell and adviſe his Majeſty, that he was looſe and abſolved from the rules of Government, and that he had an Army in *Ireland*, by which he might reduce this Kingdom; for which he deſerves to undergo the pains and forfeitures of high Treaſon.

And the ſaid Earl hath been alſo an Incendiary of the Wars

Warres between the two Kingdoms of *England* and *Scotland*: all which offences have been ſufficiently proved againſt the ſaid Earl upon his impeachment.

Be it therefore enacted by the Kings moſt Excellent Majeſty, and by the Lords and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Earl of *Strafford* for the haynous crimes and offences aforeſaid, ſtand, and be adjudged and attainted of high Treaſon, and ſhall ſuffer ſuch pain of death, and incurre the forfeitures of his Goods, and Chattels, Lands, Tenements, and Hereditaments of any eſtate of Free-hold or Inheritance in the ſaid Kingdoms of *England* and *Ireland*, which the ſaid Earl, or any other to his uſe, or in truſt for him, have or had the day of the firſt ſitting of this preſent Parliament, or at any time ſince.

Provided that no Judge or Judges, Juſtice or Iuſtices whatſoever, ſhall adiudge or interpret any Act or thing to be Treaſon, nor in any other manner than he or they ſhould or ought to have done before the making of this Act, and as if this Act had never been had or made. Saving alwayes unto all and ſingular perſons and bodies, politique and corporall, their Heirs and Succeſſors, others than the ſaid Earl and his heirs, and ſuch as claim by, from, or under him, all ſuch right, title, and intereſt, of, in, and to all and ſingular, ſuch of the ſaid Lands, Tenements, and Hereditaments, as he, they, or any of them, had before the firſt day of this preſent Parliament, any thing herein contained to the contrary notwithſtanding.

Provided that the paſſing of this preſent Act, and his Maieſties aſſent thereunto, ſhall not be any determination of this preſent Seſſions of Parliament, but that this preſent Seſſions of Parliament, and all Bills and matters whatſoever depending in Parliament, and not fully enacted or determined. And all Statutes and Acts of Parliament, wch have their continuance until the end of this preſent Seſſion of Parliament, ſhall remain, continue, and be in full force, as if this Act had not been.

The

The firſt Speech concerning the right of Biſhops to ſit in Parliament, *May* 21. 1641.

My Lords,

I Shall take the boldneſſe to ſpeak a word or two upon this ſubject, firſt as it is in it ſelf, then as it is in the conſequence: For the former I think he is a great ſtranger in Antiquity, that is not well acquainted with that of their ſitting here, they have done thus and in this manner, almoſt ſince the conqueſt, and by the ſame power and the ſame right the other Peers did, and your Lordſhips now do, and to be put from this their due, ſo much their due, by ſo many hundred yeers ſtrengthned and confirmed, and that without any offence, nay pretence of any, ſeems to me to be very ſevere; if it be *jus*, I dare boldly ſay it is *ſummum*. That this hinders their Eccleſiaſticall vocation, an argument I heare much of, hath in my apprehenſion more of ſhadow, then in ſubſtance in it: if this be a reaſon, ſure I am it might have been one ſix hundred yeers ago.

A Biſhop, my *Lords*, is not ſo circumſcribed within the circumference of his Dioceſſe, that his ſometimes abſence can be termed, not in the moſt ſtrict ſenſe a neglect or hindrance of his duty, no more than that of a Lievetenant from his County, they both have their ſubordinate Miniſters, upon which their influences fall, though the diſtance be remote.

Beſides my *Lords*, the leſſer muſt yeeld to the greater

good, to make wholeſome and good Lawes for the happy and well regulating of the Church and Common-wealth, is certainly more advantagious to both, then the want of the perſonall execution of their office, and that but once in three years, and then peradventure but a moneth or two, can be prejudiciall to either. I will go no further to this, which experience hath done ſo fully, ſo demonſtratively.

And now my *Lords*, by your Lordſhips good leave, I ſhall ſpeak to the conſequence, as it reflects both on your Lordſhips, and my Lords the Biſhops. Dangers and inconveniencies are ever beſt prevented *è longinquo*; this preſident comes neer to your Lordſhips, and ſuch a one, *mutato nomine de vobis*. Pretences are never wanting, nay, ſometimes the greateſt evils appeare in the moſt faire and ſpecious out-ſides, witneſſe the Shipmony, the moſt abominable, the moſt illegall thing that ever was, and yet this was painted over with colour of the Law; what Bench is ſecure, if to alleage be to convince, and which of your Lordſhips can ſay then he ſhall continue a member of this Houſe, when at one blow twenty ſix are cut off. It then behoves the Neighbour to look about him, *cum proximus ardet Vcalegon.*

And for the Biſhops, my Lords, in what condition will you leave them? The *Houſe of Commons* repreſents the meaneſt perſon, ſo did the *Maſter his ſlave*, but they have none to do ſo much for them, and what juſtice can tie them to the obſervation of thoſe Lawes, to whoſe conſtitution they give no conſent, the wiſdome of former times, gave proxies unto this *Houſe* meerly upon this ground, that every one might have a hand in the making of that, which he had an obligation to obey: This Houſe could not repreſent, therefore proxies in roome of perſons were moſt juſtly allowed.

And now my *Lords*, before I conclude, I beſeech your Lordſhips to caſt your eyes upon the Church, which I know

know is moſt dear and tender to your Lordſhips, you will ſee her ſuffer in her principall members, and deprived of that honor which here and throughout all the Chriſtian World, ever ſince Chriſtianity ſhe conſtantly hath enjoyed; for what Nation or Kingdome is there, in whoſe great and publike aſſemblies, and that from her beginning, ſhe had not ſome of hers if I may not ſay as eſſentiall, I am ſure I may ſay as integrall parts thereof; and truly my Lords, Chriſtianity cannot alone boaſt of this, or challenge it only as hers, even Heatheniſme claims an equall ſhare.

I never read of any of them, Civill, or Barbarous, that gave not thus much to their Religion, ſo that it ſeems to me to have no other originall, to flow from no other ſpring than Nature it ſelfe.

But I have done, and will trouble your Lordſhips no longer, how it may ſtand with honor and juſtice of this Houſe to paſſe this Bill, I moſt humbly ſubmit unto your Lordſhips, the moſt proper and only Judges of them both.

The ſecond Speech about the lawfulneſſe and conveniency of their intermedling in Temporall Affaires.

My Lords,

I Shall not ſpeake to the Preamble of the Bill, that Biſhops, and Clergie men ought not to intermeddle in temporall affairs. For, truly my Lords, I cannot bring it under any reſpect to be ſpoken of. *Ought* is a word of relation, and muſt either refer to humane or divine Law:

to prove the lawfulneſſe of their intermedling by the former, would be to no more purpoſe, than to labour to convince that by reaſon, which is evident to ſenſe. It is by all acknowledged. The unlawfulneſſe by the latter, the bill by no means admits of, for, it excepts Univerſities and ſuch perſons as ſhall have honour deſcend upon them. And your Lordſhips know, that circumſtance and chance alter nor the nature and eſſence of a thing, nor can except any particular from an univerſall propoſition by God himſelf delivered. I will therefore take theſe two as granted, firſt that they ought by our Law to intermeddle in temporall affairs, ſecondly, that from doing ſo they are not inhibited by the Law of God, it leaves it at leaſt as a thing indifferent. And now my Lords, to apply my ſelf to the buſineſſe of the day, I ſhall conſider the conveniency, and that in the ſeverall habitudes thereof, but very briefly; firſt, in that which it hath to them meerly as men; *qua tales*, then as parts of the Common-wealth, Thirdly, from the beſt manner of conſtituting laws, and laſtly, from the practice of all times both Chriſtian and Heathen.

Homo ſum nihil humanum à me alienum puto, was indeed the ſaying of the Comedian, but it might well have becom'd the mouth of the greateſt Philoſopher. We allow to ſenſe, all the works and operations of ſenſe, and ſhall we reſtrain reaſon? muſt onely man be hindered from his proper actions? They are moſt fit to do reaſonable things that are moſt reaſonable. For, Science commonly is accompanied with conſcience; So is not ignorance: they ſeldome or never meet. And why ſhould we take that capacity from them, which God and nature have ſo liberally beſtowed?

My Lords, the politike body of the Common-wealth is analogicall to the body naturall: every member in that contributes ſomething to the contribution of the whole, the ſuperfluity or defect which hinders the performance of that duty, your Lordſhips know what the Philoſopher calls ἁμαρτίαν τῆς φύσεως, Natures ſin. And truely my Lords,

Lords, to be part of the other body, and do nothing beneficiall thereunto, cannot fall under a milder term. The common-wealth ſubſiſts by laws and their execution: and they that have neither head in the making, nor hand in the executing of them, conferre not any thing to the being or well being thereof. And can ſuch be called members, unleſſe moſt unprofitable ones? onely *fruges conſumere nati.*

Me thinks it ſprings from nature it ſelf, or the very depths of Juſtice, that none ſhould be tied by other Laws than himſelf makes, for, what more naturall or juſt, than to be bound onely by his own conſent? to be ruled by anothers will, is meerly tyrannicall. Nature there ſuffers violence, and man degenerates into beaſt. The moſt flouriſhing Eſtates were ever governed by Laws of an univerſall conſtitution; witneſſe this our Kingdom, witneſſe *Senatus populuſque Romanus*, the moſt glorious Common-wealth that ever was, and thoſe many others in *Greece*, and elſewhere, of eternall memory. 3.

Some things, my Lords, are ſo evident in themſelves, that they are difficult in their probfs. Amongſt them I reekon this inconveniency I have ſpoken of: I will therefore uſe but a word or two more in this way. The long experience that all Chriſtendom hath had hereof for theſe 1300 yeers, is certainly, *argumentum ad hominem*. Nay my Lords I will go further (for the ſame reaſon runs thorow all Religions) never was there any Nation that employed not their religious men in the greateſt affairs. But to come to the buſineſſe that lies now before your Lordſhips, Biſhops have voted here ever ſince Parliaments began, and long before were imployed in the publike. The good they have done, your Lordſhips all well know, and at this day enjoy: for this I hope ye will not put them out, nor for the evill they may do, wch yet your Lordſhips do not know, and I am confident never ſhal ſuffer. A poſition ought not to be deſtroyed by a ſuppoſition; *& à poſſe ad eſſe* 4.

esse non valet consequentia. My Lords, I have done with proving of this positively, I shall now by your good favours do it negatively in answering some inconveniences that may seem to arise.

Object.1. For the Text, No man that warres, intangles himself with the affairs of this life, which is the full sense of the word both in Greek and *Latine*, it makes not at all against them, except to intermeddle and intangle be tearms equivalent. Besides my Lords, though this was directed to a Church-man, yet it is of a generall nature, and reaches to all, Clergy and *Laity*, as the most learned and best expositors unanimously do agree. To end this, *Argumentum symbolicum non est argumentativum.*

Object.2. It may be said that it is inconsistent with a spirituall vocation; truely, my Lords, *Grace* and *Nature* are in some respects incompossible, but in some others most harmoniously agree, it perfects nature, and raises it to a heighth above the common altitude, and makes it most fit for those great works of God himself, to make *Laws*, to do Iustice. There is then no inconsistency between themselves, it must arise out of Scripture, I am confident it doth not formally out of any place there, nor did I ever meet with any learned Writer of these or other times, that so expounded any Text.

Object.3. But though in strict tearms this be not inconsistent, yet it may peradventure hinder the duty of their other calling. My *Lords*, there is not any that sits here, more for preaching than I am. I know it is the ordinary means to salvation, yet, I likewise know, there is not that full necessity of it as was in the primitive times. God defend that 1600 yeers acquaintance should make the Gospel of Christ no better known unto us. Neither, my *Lords*, doth their office meerly and wholly consist in preaching, but partly in that, partly in praying, and administring the blessed Sacraments, in a godly and exemplary life, in wholsome

ſome admonitions, in exhortations to vertue, dehortations from vice, and partly in eaſing the burdened conſcience. Theſe, my Lords, compleat the office of a Churchman. Nor are they altogether tied to time or place, though I confeſſe they are moſt properly exerciſed within their own verge, except upon good occaſion, nor then the omiſſion of ſome can be tearmed the breach of them all. I muſt adde one more, an eſſentiall one, the very form of Epiſcopacy, that diſtinguiſheth it from the inferiour Miniſtry, the orderly and good government of the Church, and how many of theſe, I am ſure, not the laſt, my Lords, is interrupted by their ſitting here, once in 3 yeers, and then peradventure but a very ſhort time: and can there be a greater occaſion than the common good of the Church and State? I will tell your Lordſhips what the great and good Emperour *Conſtantine* did, in his expedition againſt the Perſians, he had his Biſhops with him whom he conſulted with about his military affairs, as *Euſebius* has it in his life, *lib.* 4. *c.* 56.

Reward and puniſhment are the great negotiators in all worldly buſineſſes; theſe may be ſaid to make the Biſhops ſwim againſt the ſtream of their conſciences, and may not the ſame be ſaid of the *Laity*? Have theſe no operations, but onely upon them? Has the King neither frown, honour, nor offices, but onely for Biſhops? Is there is nothing that anſwers their tranſlations? Indeed, my *Lords*, I muſt needs ſay that in charity, it is a ſuppoſition not to be ſuppoſed; no, nor in reaſon, that they will go againſt the light of their underſtanding. The holineſſe of their calling, their knowledge, their freedoms from paſſions and affections to which youth is very obnoxious, their vicinity to the gates of death, which, though not ſhut to any, yet alwayes ſtand wide open to old age: theſe, my Lords, will ſurely make them ſteer aright, *Object.* 4.

But

But, of matter of fact there is no diſputation, ſome of them have done ill, *Crimine ab uno diſce omnes*, is a poeticall, not a logicall argument. Some of the Judges have done ſo, ſome of the Magiſtrates and Officers; and ſhall there be therefore neither Iudge, Magiſtrate nor Officer more? A perſonall crime goes not beyond the perſon that commits it, nor can anothers fault be mine offence. If they have contracted any filth or corruption through their own, or the vice of the times, cleanſe and purge them thorowly. But ſtill remember the great difference between reformation and extirpation. And be pleaſed to think of your Triennall Bill which will ſave you this labour for the time to come; fear of puniſhment will keep them in order, if they ſhould not themſelves through the love of vertue. I have now, my *Lords*, according to my poor ability, both ſhewed the conveniences, and anſwered thoſe inconveniences that ſeem to make againſt them. I ſhould now propoſe thoſe that make for them. As their falling into a condition *worſe than ſlaves*, not repreſented by any; and then the dangers and inconveniences that may happen to your *Lordſhips*; but I haue done this heretofore, and will not offer your *Lordſhips Crambenbis coctam*.

The

A Speech in Parliament delivered, by Mr. Peard, againſt the Oath *Ex Officio*. 1640.

Mr. Speaker,

I Aſſure my ſelfe, we are here met to diſcover, and reforme (as much as in us lyeth) all abuſes of the Church and Common-wealth; many and great ones have been ſpoken againſt, ſome contrary to all Law, and ſome eſtabliſhed by new Lawes, contrary to all Law: The Wolfe having put on the Lions skinne, and rapine, preſuming to paſſe undiſcovered under the robe of Juſtice. But I ſhall not neede to light a candle to ſearch out that, which already the ſunne hath made manifeſt; That which I ſhall ſpeak, hath not been ſpoken, but if I ſhall ſpeak that, that ſhall ſeeme to be againſt Law, I humbly crave the pardon of this Houſe, ſince if it be law, it is *ſummum jus*, Law without conſcience: That which I ſhall ſpeake againſt, is the Oath *Ex Officio*. It is acknowledged by themſelves, that Adminiſter this Oath, that it is unjuſtly done to render it to any man, unleſſe there be a publique Fame, or particular Preſentment or Articles teſtified againſt him: I make no queſtion, but the practice of this confeſt Injunction wil be found cõmon among ſt them, And I hope it ſhalbe ſeverely cenſured, ſince unjuſt proceedings upon unjuſt grounds, are double Injuſtice; I ſhall therefore leave that as a plaine caſe, and examine their beſt grounds; Firſt, Fame (they ſay) is a juſt cauſe for them to take Cognizance of a matter to proceed againſt it; Fame we

know may ariſe upon very ſmall and groundleſſe ſuſpitions, by ſecret whiſperings, creeping at firſt, but quickly gets it wings; And as the Poët ſaith, *Creſcit eundo.*

This is the manner of all Fame; if this be Fame, their Court ſhall never want worke, as long as a Promooter hath an ill tongue, or a knave can ſlander an honeſt man; Therefore I thinke Fame no good ground to proceed upon.

If Fame be juſt, what moſt men ſpeake, certainly ſome men will teſtifie; No man will teſtifie it is falſe.

Let no accuſation then ſtand, but out of the mouthes of two or three witneſſes, of Preſentments, are a juſt ground of proceedings in all Courts, and upon all cauſes: But neither witneſſes nor preſentments are or can be a juſt ground of the Oath *Ex officio*; For if the partie accuſed be examined no further then is teſtified, then the Oath *Ex Officio* is ſuperfluous.

If he be examined further, or upon other matters then is teſtified, then a man is made to betray himſelfe, which is unjuſt.

Mr. Speaker, ſuch is the Mercy of the Common Law, that Murderers and Poyſoners are not examined upon the rack, but the Civill law upon every occaſion racketh the Conſcience.

Theſe are the Lyme-twigs which were ſet to catch the poore Martyrs in Queene *Maries* daies; And in our daies, I dare beleeve it will appeare that ſome good men are fallen into this ſnare.

Mr. Speaker, If the foundations faile, what ſhall the buildings doe? If the conformity of good men ſhall undoe them, who ſhall ſtand? I deſire nothing but that evill men may ſuffer, I deſire the Law may puniſh, not make offenders, I deſire that our words and actions at this time, and at other times, may be ſubject to the Law, I would have thought free.

Mr.

Mr. Speakers Letter to Sir *Jacob Aſhley.*

SIR,

WEE have had cauſe to doubt, that ſome ill affected perſons have endeavoured to make a miſ-underſtanding in the Army, of the intentions of the Parliament towards them; To take away all miſtaking in that kinde, the houſe of Commons have Commanded me to aſſure you that they have taken the affaires of the Army into their ſerious Care; And though for the preſent their moneys have not come as they wiſhed, and as was due, by reaſon of the many diſtractions, and other Impediments which this Houſe could no wayes avoid, yet they reſt moſt aſſured that they ſhall not onely have their full pay, but the Houſe will take their merits into their further conſideration, in regard they take notice that notwithſtanding their want, and endeavours of thoſe ill-affected perſons, they have not demeaned themſelves otherwiſe, then as men of honor, and well affected to the Common-wealth, which this Houſe takes in ſo good part, that we have already found out a way to get money for a good part of their pay, and will take the moſt ſpeedy courſe, we poſſibly may for the reſt.

So I remain; From my houſe at Charing-Croſſe, the 4th of this preſent Moneth of May. 1641.

Your very Loving Friend.

SIR, 'Tis the pleaſure of the Houſe, that this Letter be Communicated to the Army, to the end their Intentions may be cleerly underſtood by them.

Sir BENJAMIN RUDYERDS Speech.

Tueſday the 29. Decem.

M^r. SPEAKER,

THe principall part of this buſineſſe, is Moneys, and now we are about it, I ſhall be glad we may give ſo much, as will not only ſerve the turn for the preſent, but likewiſe to provide that it come not quick upon us againe, I beleeve that the two ſubſidies are ſpent already. Wee know how much time this buſineſſe hath coſt us, if we be but halfe as long about another, it may coſt more then money: For if two Armies ſhould be driven to extreame neceſſitie, and they will be Judges of their owne neceſſitie, we ſhall not be able to ſit here, and give more, though we would.

Believe it Sir, this is the buſineſſe of all the buſineſſes in the Houſe, of all the buſineſſes in the Kingdom; If we ſtand hacking for a little money, wee may very thriftily loſe all we have, this being a buſineſſe of ſo peremptory and deſtructive a nature.

Wherefore M^r. Speaker, my humble and earneſt motion is, that we may diſpatch it fully, and at once; If there ſhould be an overplus of money remaining, wee can ſoone reſolve how to diſpoſe of it.

Foure ſubſidies will doe the worke, if they be given preſently, for every day tells us that we are not ſo much Maſters of our owne time, and occaſions as to doe nothing when we would; Let us doe this whileſt we may, though I dwell not in the North, yet I dwell in *England*.

Sir

Sir BENJAMIN RUDYERD'S Speech concerning the QUEENS Joynture. *Jan.* 1640.

Mr. SPEAKER,

GOD hath bleſſed the Queens Majeſtie with a bleſſed Progeny already, whereby ſhe hath relieved and fortified this Kingdome, which may put us in minde in a fit time to provide according to their birth, and intereſt.

Shee is the daughter of a great and famous King, ſhe is the wife of our King, which to us includes all expreſſions. But in one thing, Mr. Speaker, her Majeſtie is ſingular in that ſhe is the Mother to the greateſt Prince that hath beene borne amongſt us above theſe hundred yeers, which cannot but work a tenderneſſe in us.

The Queene likewiſe may be another Inſtrument of happineſſe to us in her good affection to Parliaments, by a good hanſell in this. And I beleeve we ſhall ſee effects of it, for it neerly and wiſely concernes her Majeſtie, even in all the Relations that are moſt deare to her to contribute her beſt Aſſiſtance to Uphold the Government and greatneſſe of the kingdome. By which meanes alſo the king will be better enabled to make a further enlargement of his bounty towards her, in ſome degree proportionable.

Wherefore, Mr. Speaker, it will become this Houſe to ſhew our cheerfulneſſe in paſſing of the Bill.

Articles againſt Doctor *Piercie*, Biſhop of *Bath* and *Wells*; exhibited by Mr. *James* Miniſter within his Dioceſſe.

1 HEE hath *Ex officio* convented mee before him, for having two Sermons preached in my Church on Michaelmas day, to the great diſturbance & hinderance of the ſale of the Church Ale, as his Lordſhip pretended, and further examined me upon Oath, whether I had not the ſaid Sermons preached for the ſame purpoſe and intent, admoniſhing me for the future, neither to preach my ſelfe, nor ſuffer any other to preach in my Cure, in the afternoon, of either the Lords-day, or holy dayes.

2 I heard him ſay to his Regiſter, That whereas Information had been given concerning certain Miniſters, that they expounded upon the *Catechiſme*, this *Information* was too narrow to catch them, and therefore it ſhould have runne thus, that they *Catechiſed* or expounded upon the Catechiſme Sermon-wiſe, and then they would have been obnoxious to cenſure.

3 At the meeting to elect Clerks of the Convocation he threatned to ſend forth Cenſures of the Church, againſt all that would not pay in the Benevolence, late granted, in the late Synod, within a fortnight after the ſecond day of November laſt paſt; And further at the ſaid election, his ſonne gave eight ſingle voyces; two, as Arch-Deacon of *Bath*; two, as Prebend of the Church of *Wells*; two, as Parſon of *Buckland* Saint *Mary*;

Mary; two, as Vicar of *Kingsbury*: and many others alſo there preſent, gave as many double voyces, as they had Benefices and Dignities; againſt which one Mr. *Roſnell* proteſted, ſaying, that it was illegall; The Biſhop replyed, that they gave in ſeverall capacities, and thereupon commanded him ſilence, ſaying, that he was a young man.

4 That upon the meer Information of Mr. *Humphry Sydenham* Rector of *Buckington*, that in a certain Sermon Preached at the Viſitation of the Arch Deacon of *Taunton*, I beſpattered the Clergie; The Biſhop ſummoned me before him down to *Wells*, and there objected unto mee, that I had preached a ſcandalous Sermon, wherein I had caſt ſome aſperſions on ſome of the Clergy. Upon which charge I proferd to bring in an exact Copy of the Sermon I preacht, and to depoſe, that I ſpake neither more nor leſſe, then was contained in the ſaid Copy; This the Biſhop would not accept of, ſaying that he would not have the Miniſters, who came to witneſſe againſt mee, troubled with a ſecond journey: One of my Proctors deſired time, till the next Court day for me to give in my anſwer; the Biſhop commanded him to hold his Peace, and the other Proctor though he was retained by me, & had received a Fee, never opened his mouth, pretending unto me, that becauſe the Biſhop was ſo highly diſpleaſed with mee, he durſt not appeare in my behalf, being denyed time to give in my anſwer at the next Court day; I deſired reſpit until the afternoon, this alſo was denyed; In fine contrary to the rules of their own Court, he examined witneſſes againſt me, and proceeded to Cenſure me, before he received my full anſwer, he would not heare the anſwer, which I could give to the Articles objected to me, which I proferd to give, and which he had by oath required me to give; further by vertue of the oath he adminiſtred unto me, he queſtioned me not only concerning

cerning matters of outward fact, but alſo concerning my moſt ſecret thoughts, intentions and aymes. Moreover whereas the witneſſes confeſſed that I only ſaid, in the foreſaid Sermon, that ſome put the Scriptures into a ſtaged dreſſe; the Biſhop perſwaded them, that, that expreſſion was equivalent with the Article objected, that ſome mens Sermons were Stage Playes, and they by his perſwaſion, ſwore down right, that I ſaid ſome mens Sermons were Stage Playes; The Doctor made an Act and Order, that I ſhould make publique retractation, which I refuſed to doe, and appeald unto the Arches; But upon either the Biſhops, or M. *Sidenhams* Information my Procter *Hunt* renounced my appeale, and Sir *John Lambe* diſmiſſed the ſame cauſe, without hearing, unto the Biſhop againe.

5 The Churchwardens of my Pariſh, by order from the Biſhop, were enjoyned to turn the Communion Table, and place it Altar-wiſe, &c. Now they, that they might neither diſpleaſe the Biſhop, nor tranſgreſſe againſt the Rubrick of the Liturgie, made it an exact ſquare Table, that ſo notwithſtanding the Biſhops order, the Miniſter might ſtill Officiate at the North ſide of the Table; M. *Humphry Sydenham* informed againſt this, and upon Information, the Biſhop ſent to view it; and upon his view he certified the Biſhop, that it was like an Oyſter Table, whereupon the Biſhop ordered the Churchwardens to make a new one.

6 Upon M. *Humphry Sydenhams* Information that M. *John Pym* was a Parliamenteer, the Biſhop would not ſuffer me any longer to ſojourn in his houſe, although before ſuch Information he gave me leave: And when I demanded of ſome of his ſervants, the reaſon why his Lordſhip had thus changed his minde, they told me that his Lordſhip was informed by M. *Sydenham* that M. *Pym* was a Puritane.

The

The Lord *Andevers* ſpeech in March 1640. concerning the Star-Chamber.

MY Lords, ſince your Lordſhips have already looked ſo farre into priviledges of Peers, as to make a ſtrict inquiſition upon forraign honours: Let us not deſtroy that among our ſelves, which we deſire to preſerve from ſtrangers.

And if this greivance I ſhall move againſt, have ſlept till now; It is very conſiderable leſt cuſtome make it every day more apparent than other: your Lordſhips very well know, there was a Statute framed, 3 *Hen.* 7. Authorizing the Chancellor, Treaſurer and Privy Seale, and the two Chiefe Juſtices calling to them one Biſhop, and a temporall Lord of the Kings Councell, to receive complaints upon Bill or information, and Cite ſuch parties to appeare as ſtand accuſed of any miſdemeanour, and this was the Infancy of the Starchamber, but afterwards the Starchamber was by Cardinall *Woolſey* 8 *H.* 8. raiſed to mans Eſtate, from whence (being now altogether unlimited) it is grown a Monſter, and will hourely produce worſe effects, unleſſe it be reduced by that hand which laid the foundation; for the Statutes that are ratified by Parliament admit of no other than a repeale.

Therefore I offer humbly unto your Lordſhips theſe enſuing Reaſons, why it ſhould be repealed.

Firſt the very words of the Statute cleerly ſhew that it was a needleſſe inſtitution, for it ſayes they who are to Judge, can proceed with no delinquent otherwiſe,

then if he were convicted of the ſame crime by due proces of Law.

And doe your Lordſhips holdth is a rationall Court that ſends us to the Law, and calls us to the Law, and calls us back from it againe.

Secondly, divers Judicatories confound one another, *& in peſſima republica plurime Leges.*

The ſecond reaſon is from circumſtance, or rather *à Conſuetudine*, and of this there are many examples both domeſtique and forain; but more particularly by the Parliaments of France abbreviated into a ſtanding Committee by *Philip* the King, and continued according to his Inſtitution untill *Lewis* the eleventh came to the Crown, who being a ſubtill Prince buried the volume in the Epitome, for to this day, when ever the three Eſtates are called, either at the death of the old King, or to Crown the new, It is a common Proverb *Allons voire Le van des Eſtates*; My Lords Arbitrary judgements deſtroy the Common Laws, and in them the two great Charters of the Kingdome, which being once loſt, we have nothing left but the name of liberty.

Then the laſt reaſon is (though it was the firſt cauſe of my ſtanding up) the great Eclipſe it hath ever been to the whole Nobility; For who are ſo frequently vexed there as Peers and Noblemen, and notwithſtanding their appeale to this Aſſembly, is ever good whilſt that famous Law of the 4 *Ed.* 3. remaines in force for the holding of a Parliament once a year or more if occaſion require, yet who durſt a year ago mention ſuch a Statute, without the incurring the danger of M. *Kilverts* perſecution? Therefore I ſhall humbly move your Lordſhips that a ſelect Commitee of a few may be named to conſider of the act of Parliament it ſelfe, and if they ſhall thinke it of as great prejudice as I doe, that then the houſe of Commons in the moſt uſuall manner

may

may be made acquainted with it either by Bill or conference, who alſo happily thinke it a burthen to the Subject, and ſo when the whole body of Parliament ſhall joyne in one ſupplication, I am confident his Majeſtie will deſire that nothing ſhall remaine in force which his people doe not willingly obey.

Lunæ, the 10. *of May,* 1641.

IT is this day ordered by the Houſe of Commons now aſſembled in Parliament, that the Lord Maior of London, the Juſtices of Peace of *Middleſex*, *Weſtminſter*, and the Liberties of the Dutchie of *Lancaſter*, and thoſe of *Surrey*, that are for the Burrough of *Southwarke*, and the place adjoyning, doe imploy their beſt endeavors to prevent that none of the Kings Subjects doe frequent the houſes of any the Embaſſadors, *Somerſet-houſe*, or S^t. *James*, to heare Maſſe, And that they give an accompt to this Houſe, of the Execution of this Order, at all ſuch times, as by the ſaid Houſe they ſhall be required.

My Lord *Finch* his Letter to my Lord CHAMBERLAINE.

My moſt welbeloved Lord,

THe Intereſt your Lordſhip hath ever had in the beſt of my fortunes, and affections, gives me the Priviledges of troubling your Lordſhip with theſe few lines, from one that hath now nothing left to ſerve you withall but his Prayers; Thoſe your Lordſhip ſhall never faile, with an heart as full of true affection to your Lordſhip, as ever any was. My Lord, it was not the loſſe of my place, and with that of my fortunes, nor being exiled from my deare Countrey and friends (though many of them were cauſe of ſorrow) that afflicts, but that which I moſt ſuffer under, is that diſpleaſure of the Houſe of Commons conceived againſt me; I know a true heart I have ever borne towards them, and your Lordſhip can witneſſe in part, what wayes I have gone in, but Silence and patience beſt becomes me, with which I muſt leave my ſelfe, and my Actions to the favourable conſtruction of my Noble Friends, in which number your Lordſhip hath a prime place; I am now at the *Hague*, where I arrived on Thurſday the laſt of the laſt moneth, where I purpoſe to live in a faſhion agreeable to the poorenеſſe of my fortunes, for my humbling in this world, I have utterly caſt off the thoughts of it, and my aime ſhall be to learne to number my daies, that I may apply my heart unto wiſdome, that wiſdome that ſhall wipe all teares from mine eyes, and heart, and lead me by the hand to true happineſſe, which

which can never be taken from me. I pray God of heaven bleſſe this Parliament with a happy, both progreſſe and concluſion: if my ruine may conduce but the leaſt to it, I ſhall not repine at it; I truly pray for your Lordſhip, and your Noble Family, that God would give an increaſe of all worldly bleſſings, and in the fulneſſe of dayes, to receive you to his glory; if I were capable of ſerving any body, I would tell your Lordſhip, that no man ſhould be readier to make knowne his devotion, and true gratitude to your Lordſhip, then

Your Lordſhips moſt humble, and affectionate poore kinſman and ſervant, J. F.

Hague, Jan. 3. 1640.

The Lord KEEPERS Speech TO HIS MAJESTIE,

at the Banquetting-houſe at *Whitehall*, in the name of both Houſes.

May it pleaſe Your Majeſtie,

I Am to give your Majeſtie moſt humble and heartie thanks in the name of both houſes of Parliament, and this whole Kingdome, for the ſpeedy and gracious Royall aſſent unto the Bill, Entitled, An act for preventing of inconveniences happening by the long intermiſſion

of Parliaments, which as it is of ſingular comfort and ſecuritie for all your Subjects for the preſent, ſo they are confident it will be of infinite honor and ſetlement of Your Majeſties Royall Crowne and dignitie, as well as comfort to their poſteritie.

The Declaration of the *Scots* Commiſſioners to the Houſe of Parliament, touching the maintenance of their Army.

March, the 16th, 1640.

IN the midſt of other matters, neceſſitie conſtraineth us to ſhew your Lordſhips that foureſcore thouſand pounds and above of the Moneys appointed for reliefe of the Northerne Countreys, there is no more paid but 18000l. the Country people of thoſe Countreys have truſted the ſouldiers ſo long as they are become weary and unable to furniſh them, their cattell and victuall being ſo farre exhauſted and waſted, as it is ſcarce able to entertain themſelves; The Markets are decayed becauſe there is no mony to buy their Commodities, and are become ſo deare, that no ſort of victuall is ſold, but at a double rate; And which is hardeſt of all, the Army is ſtinted by the Articles of Ceſſation to ſtay within theſe two Countyes, whoſe proviſions are all ſpent, expecting from time to time the payment of thoſe moneys, which were

were promiſed for their reliefe, and are reduced to ſuch extremity, as they muſt either ſtarve, or (ſore againſt their will) breake their limited bounds, unleſſe ſome ſpeedy courſe bee taken for their more timous payment, that ſo ſoone as may be, the Arreers may be paid; And becauſe the continued payment of that monethly ſumme, for reliefe of the Northerne Countreyes, is a Burthen to the Kingdome of *England*, our Army is a trouble to the Country where they reſide, our charges of entertaining our Army (beſides what is allowed from *England*) is exceeding great; And our loſſes and prejudice through abſence and neglect of our affaires not ſmall, Therefore that all evills, and troubles of both Kingdomes may be removed, it is our earneſt deſire that the Parliament may be pleaſed to determine the time and manner of Payment of the 300000*l.* which they were pleaſed to grant towards reliefe of their Brethren, that there may be no let about this, when matters ſhall be drawing towards an end, And that his Majeſty and they may give order for Accelerating matters in the treaty, that the peace being concluded, *England* may be eaſed of the burthen of two Armies, and we may returne to our owne homes, which is our earneſt deſire.

Ad. Blaire.

The

The Remonſtrance of both the Houſes of Parliament unto the King, delivered by the Lord Keeper, January the 29th. 1640.

May it pleaſe your Majeſty,

YOUR loyall Subjects, the Lords and Commons, now aſſembled by your Majeſties Writ in the high Court of Parliament, humbly repreſent unto your gracious conſideration that Jeſuits and Prieſts ordained by authority from the Sea of *Rome*, remaining in this Realme, by a Statute made in the 27 year of Queen *Elizabeth* are declared Traytors, and to ſuffer as Traytors.

27 *Eliz. cap.* 2. That this law is not ſo rigorous, as ſome apprehend, or would have others to beleeve, for that it is reſtrayned to the naturall born Subjects only, and doth not extend to any ſtrangers at all.

1 *Jac. cap.* 4. That it is enacted in the firſt year of King *James*, that all Statutes made in the time of Queen *Elizabeth*, againſt Prieſts and Jeſuits, be put in due and exact execution.

And for further aſſurance of the due execution of theſe laws, the Statute of the third year of King *James* invites men to the diſcovery of the offenders, by rewarding them with a conſiderable part of the forfeiture of the Recuſants eſtate.

So

So that the Statute of Queen *Elizabeth* is not only approved, but by the judgement of ſeverall Parliaments in the time of King *James* of happy memory adjudged fit and neceſſary to be put in execution.

That conſidering the ſtate and condition of this preſent time, they conceive this law to be more neceſſary to be put in ſtrict execution, then at any time before; & that for divers weighty and conſiderable reaſons, *viz.* For that by divers Petitions from the ſeverall parts of this Kingdome, complaints are made of the great increaſe of Popery and Superſtition, and the people call earneſtly to have the laws againſt Recuſants put in execution; Prieſts and Jeſuits ſwarme in great abundance in this Kingdome, and appeare here with ſuch boldneſſe, and confidence, as if there were no laws againſt them.

That it appeares unto the Houſe of Commons by proofe, that of late years about the City of *London* Prieſts and Jeſuits have been diſcharged out of Priſon, many of them being condemned of high Treaſon.

They are credibly informed that at this preſent the Pope hath a *Nuncio*, or Agent reſident in the City, and they have a juſt cauſe to believe the ſame to be true.

The Papiſts, as publiquely, and with as much confidence and importunity reſort to Maſſe at *Denmark* houſe, and St. *James*, and the Embaſſadors Chappels, as others doe to their Pariſh Churches: They conceive the not putting of theſe Statutes in execution againſt Prieſts and Jeſuits, is a principall cauſe of increaſe of Popery.

That the putting of theſe laws in execution, tendeth not only to the preſervation and advancement of the true Religion eſtabliſhed in this Kingdome; but alſo the ſafety of your Majeſties perſon, and ſecurity of the State & Government, which were the principall cauſes of the making of the Laws againſt Prieſts and Jeſuits, as is manifeſtly declared in the preamble of the laws them-

ſelves, which are the beſt interpreters of the mindes of the makers of them.

And becauſe the words being penned by the adviſe and wiſdome of the whole ſtate, are much more full and clear then any particular mans expreſſion can be, they were therefore read, as they are vouched, thoſe of the 27 year of Queen *Elizabeth*, being thus, *viz.*

That the Prieſts and Jeſuits come hither, not only to draw the Subjects from their true obedience to the Queen, but alſo to ſtir up Sedition, Rebellion, and open hoſtility within the Realme; to the great endangering of the ſafety of her Royall Perſon, and to the utter ruin, deſolation, and overthrow of the whole Kingdom, if not timely prevented; and the tenor of the words of the third year of King *James* are in this manner, *viz.*

Whereas divers Jeſuits and Prieſts doe withdraw many of his Majeſties Subjects from the true ſervice of Almighty God, and the Religion eſtabliſhed within this Realme, to the Romiſh Religion, and from their loyall obedience to his Majeſtie; and have of late ſecretly perſwaded divers Recuſants, and Papiſts, and encouraged and imboldned them to commit moſt damnable Treaſons tending to the overthrow of the whole State and Common Wealth; if God of his goodneſſe and mercy had not within few houres of the intended time of the execution thereof, reveiled and diſcloſed the ſame.

The Houſes did further informe, that ſome Jeſuits and Prieſts had been executed in the time of Queen *Elizabeth*, and King *James* of happy memory; and when any of them have received mercy, it was in ſuch time, and upon ſuch circumſtance, as that the ſame might be extended unto them without dangers, whereas now of late, there hath been a great apprehenſion of endevours by ſome ill agents, to ſubvert Religi-

on;

on; and at this preſent both Kingdomes have a generall expectation of a through reformation.

And there is already found to ill a conſequence of the the late reprieve of *John Goodman* the Prieſt; that the Houſe of Commons having ſent to the Citizens of *London* for their aſſiſtance in the advancement of money, for the preſent and neceſſary uppſy of his Majeſties army, and reliefe of the Northern Counties: upon this occaſion, they have abſolutely denyed to furniſh the ſame: and how far the like diſcontent may be effuſed into other parts of the Kingdom, to the interruption of the levying of the Subſidies, the houſes leave to your Majeſties conſideration. It is found that *Goodman* the Prieſt hath been twice formerly committed and diſcharged. That his reſidence now about *London*, was in abſolute contempt of your Majeſties Proclamation, as the Houſes are credibly informed, that he hath been ſometimes a Miniſter in the Church of England, and conſequently is an Apoſtate; both Houſes are very ſenſible that any man ſhould preſume to intercede with your Majeſty in a caſe of ſo high a nature.

They humbly deſire that a ſpeedy courſe may be taken for the due execution of the laws againſt the Prieſts and Jeſuits, that all miſchiefes before mentioned may be timely remedied by your Majeſties great wiſdome.

And laſtly, that *Goodman* the Prieſt be left to the juſtice of the law.

The Earle of *Straffords* Letter, to his moſt Excellent Majeſty, dated from the *Tower* the 4th of *May*, 1641.

May it pleaſe your ſacred Majeſty,

IT hath been my greateſt griefe in all theſe troubles, to be taken as a perſon which ſhould endeavour to repreſent and ſet things amiſſe between your Majeſty and your People; and to give counſels tending to the diſquiet of the three Kingdomes.

Moſt true it is, that this mine own private Condition conſidered, it had been a great madneſſe, ſince through your gratious favour I was ſo provided, as not to expect in any kind to mend my fortune or pleaſe my mind more, then by reſting where your bounteous hands had placed me.

Nay, it is moſt mightily miſtaken, for unto your Majeſty it is well known, my poore, and humble adviſes concluded ſtill in this, That your Majeſty and your people could never be happy, till there were a right underſtanding betwixt you and them: no other means to effect, and ſettle this happineſſe, but by the Counſell, and aſſent of the Parliament; or to prevent the growing Evils upon this ſtate, but by intirely putting your ſelf in the laſt reſort, upon the loyalty, and good affections of your Engliſh ſubjects.

Yet ſuch is my misfortune, this truth findeth little credit,

credit, the contrary ſeemeth generally to be believed, and my ſelfe reputed, as ſome thing of Separation between you, and your people; under a heavier cenſure then which, I am perſwaded no Gentleman can ſuffer.

Now, I underſtand the minds of men are more incenſed againſt me, notwithſtanding your Majeſty hath declared, that in your princely opinion, I am not guilty of Treaſon, nor are you ſatisfied in your conſcience to paſſe the Bill.

This bringeth me into a very great ſtraight, there is before me the ruine of my Children, and family hitherto untouched in all the branches of it with any foule Crimes. Here is before me the many ills, which may befall your Sacred perſon, and the whole Kingdome, ſhould your ſelfe, and Parliament part leſſe ſatisfied one with the other, then is neceſſary for the preſervation both of King and People. Here are before me the things moſt valued, moſt feared, by mortall man, *Life*, or *Death*.

To ſay Sir, that there hath not been a ſtrife in me, were to make me leſſe man, then God knoweth my infirmities give me. And to call a deſtruction upon my ſelfe, and young Children, where the intentions of my heart at leaſt have been innocent of this great offence may be believed, will find no eaſie conſent from Fleſh and blood.

But with much ſadneſſe, I am come to a reſolution of that which I take to be beſt becomming me, to look upon that which is moſt principall in it ſelfe; which doubtleſſe is the proſperity of Your ſacred Perſon, and the Common-Wealth, infinitely before any private mans intereſt.

And therefore in few words, as I put my ſelfe wholly upon the honour, and juſtice of my Peers ſo clearly, as to beſeech your Majeſty might pleaſe to have ſpared that declaration of yours on Saturday laſt, and intirely

to have left me to their Lordſhips, ſo now, to ſet your Majeſties conſcience at liberty, I doe moſt humbly beſeech your Majeſty, in prevention of miſt kes which may happen, by your refuſall, to paſſe this Bill; And by this means remove (praiſed be God) I cannot ſay, this accurſed, (but I confeſſe) this unfortunate thing forth of the way, towards that bleſſed agreement, which God, I truſt, ſhall ever Eſtabliſh between you, and your ſubjects.

Sir my conſent ſhall more acquit you herein to God, then all the world can do beſides To a willing man there is no injury done. And as by Gods grace I forgive all the world with a calmnes an meeknes of infinite Contentment to my diſlodging ſoule; So, Sir, to you can I give the life of this world, with all the cheerfulneſſe imaginable; in the juſt acknowledgement of your exceeding favours. And only beg that in your goodneſſe, you would vouchſafe to caſt your gratious regard upon my poor Sonne, and his three Siſters, leſſe, or more, and no otherwiſe, then as their (in preſent) unfortunate Father, may hereafter appeare more, or leſſe guilty of this death.

God long preſerve your Majeſty.

Your Majeſties moſt faithfull, and humble Subject, and Servant.

Tower
4 May 1641.

STRAFFORD.

The

The Petition of the EARLE of STRAFFORD unto the *Lords* before he Dyed.

To the Right Honourable the Lords *Spirituall and Temporall, in this preſent* Parliament *aſſembled.*

THE humble Petition of *Thomas* late Earle of *Straffford*; Sheweth that ſeeing it is the good will and pleaſure of God that your Petitioner is now ſhortly to pay that duty which we all ow to our fraile nature; He ſhall in all Chriſtian Patience and Charity conform, and ſubmit himſelfe to your Juſtice, in a comfortable aſſurance of the great Hope, laid up for us in the Mercy and Merits of our Saviour bleſſed for ever.

Only he humbly craves, to return your Lordſhips moſt humble thanks for your Noble Compaſſion towards thoſe innocent Children; whom now with his laſt bleſſing he muſt commit to the protection of Almighty GOD, beſeeching Your Lord-ſhips to finiſh your Pious intentions towards them: And deſiring that the reward thereof may be fulfill'd in You, by him that is able to *give above all we are able either to aske or think.* Wherein I truſt the Honourable Houſe of Commons will afford their Chriſtian aſſiſtance.

And ſo beſeeching your Lord-ſhips charitably to forgive all his omiſſions and infirmities, he doth very heartily and truly recommend Your Lordſhips to the Mercies of Our Heavenly Father, and that for his goodneſſe he may perfect you in every good work. *Amen.*

Tho. Wentworth.

Lord FAULKLANDS firſt ſpeech in *Parliament*.

I Rejoyce very much to ſee this day; and the want hath not lain in my affections, but my lungs. If to all that hath bin paſt, I have not been as loud with my voice as any mans in the houſe, yet truly my opinion is; we have yet done nothing, if we doe no more: I ſhall add what I humbly conceive ought to be added, as ſoone as I have ſaid ſomething, with references to him that ſaies it: I will firſt deſire the forgiveneſſe of the Houſe, if ought I ſay ſeem to entrench upon anothers profeſſion, and enter upon the work of another robe.

Since I have bin intruſted by the report of a learned Committee, and confirmed by the uncontradicted rule of the Houſe, ſince I ſhall ſay nothing of this kind, but in order to ſomewhat further.

And which moves me moſt to venture my opinion, and to expect your pardon, ſince I am confident, that Hiſtory alone is ſufficient to ſhew this judgement contrary to our Laws, and Logick alone ſufficient to prove it deſtructive to our propriety, which every free, and noble perſon values more then his poſſeſſion. I will not profeſſe I know of my ſelfe, and all thoſe who know me, know that my naturall diſpoſition is to decline from ſeverity, much more from cruelty.

That I have no particular provocations from their perſons, and have particular Obligations to their calling againſt whom I am to ſpeak.

And though not ſo much, yet far more then I have, ſo I hope it will be believed, that only publick intereſt have

have extorted this from me, and that which I would not ſay, if I conceived it not ſo true, and ſo neceſſary that no undigeſted meat can lie havier upon the ſtomach, then this unſaid would have lain upon my Conſcience.

Mr. *Speaker*, the conſtitution of this Commonwealth hath Eſtabliſhed, or rather endeavored to Eſtabliſh to us the ſecurity of our goods, and the ſecurity of thoſe Laws which would ſecure us and our goods, by appointing for us Judges ſo ſettled, ſo ſworn, that there can be no oppreſſion, but they of neceſſity muſt be acceſſary; ſince if they neither deny, nor delay us Juſtice, which neither for the great nor little ſcale, they ought to doe; the greateſt Perſon in this Kingdome cannot continue the leaſt violence upon the meaneſt; But this ſecurity, Mr. *Speaker*, hath been almoſt our ruine, for it hath been turned, or rather turned it ſelf into a Battery againſt us: And thoſe perſons who ſhould have been as Dogs to defend the Sheep, have been as Wolves, to worry them.

Theſe Judges, M. *Speaker*, to inſtance not them onely, but their greateſt crime, have delivered an opinion, and judgement in an extrajudiciall manner, that is, ſuch as came not within their cognizance, they being Judges, and neither Philoſophers, nor Politicians; In which when that is ſo abſolute and evident, the law of the land ceaſes, and of generall reaſon and equity, by which particular laws at firſt were framed, returnes to his throne and government, where *ſalus populi* becomes not only *ſuprema*, but *ſola lex*; at which, and to which end, whatſoever ſhould diſpence with the King, to make uſe of any mony, diſpences with us, to make uſe of his, and one anothers. In this judgement they contradicted both many and learned Acts and Declarations of Parliaments; and thoſe in this very caſe, in this very reign, ſo that for them they needed to have conſulted

with no other record, but with their memories.

2 They have contradicted apparent evidences by, ſuppoſing mighty and eminent dangers, in the moſt Cerene, quiet, and halcian dayes that could poſſibly be imagined, a few conceptible pirats, being our moſt formidall enemies, and there being neither Prince nor State, with whom we had either Alyance, or Amity, or both.

3 They contradict the writ it ſelfe, by ſuppoſing that ſuppoſed danger to be ſo ſuddaine, that it would not ſtay for a Parliament, which required but forty daies ſtay, and the writ being in no ſuch haſte, but being content to ſtay ſeven times over.

Mr. *Speaker*, it ſeemed generally ſtrange, that they ſaw not the Law which all men elſe ſaw, but themſelves. Yet though this begot the more generall wonder, three other particulars begot the more generall indignation.

The firſt of all the reaſons for this judgement, was ſuch that they needed not any from the adverſe party to help them to convert thoſe few, who before the laſt ſuſpition of the legallity of that moſt illegall writ, there being fewer that approved of the judgement, then there were that judged it, for I am confident they did not that themſelves.

Secondly, when they had allowed to the King, the ſole power in neceſſity, the ſole judgement of neceſſity, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continued to perſwade us that they had left us our liberties and proprieties.

The third and laſt is, and which I confeſſe moved moſt, That by the transformation of us from the ſtate of free ſubjects (a good phraſe Mr. *Speaker*, under Doctor *Heylens* favor) unto that of Villeins, they diſable us by Legall and voluntary ſupplies to expreſſe our affections.

ſections to his Majeſty, and by that to cheriſh his to us, that is by Parliaments.

M. *Speaker*, the cauſe of all the miſeries we have ſuffered, and the cauſe of all our jealouſies we have had, that we ſhould yet ſuffer; is, That a moſt excellent Prince hath been moſt infinitely abuſed by his Judges, telling him that by policy he might doe what he pleaſed; with the firſt of theſe we are now to deale, which may be a leading to the reſt. And ſince in proving of theſe Laws, upon which theſe men have trampled, our Anceſtours have ſhewed their utmoſt care and wiſdome, for our unaffected ſecurity, words having done nothing, and yet have done all their words can doe, we muſt now be forced to think of aboliſhing of our grievances, & of taking away this judgement, and theſe Judges together, and of regulating their ſucceſſors by their exemplary puniſhment.

I will not ſpeak much; I will only ſay we have accuſed a great Perſon of high Treaſon, for intending to ſubvert our fundamentall Laws, and to introduce arbitrary Government, which we ſuppoſe he meant to doe, we are ſure theſe have done it, there being no Law more fundamentall, than that they have already ſubverted, and no government more abſolute, than they have really introduced: Mr. *Speaker*, not only the ſevere puniſhment, but the ſuddaine removall of theſe men, will have a ſuddain effect in one very conſiderable conſideration.

We only accuſe, and the Houſe of Lords condemn; In which condemnation they uſually receive adviſe (though not direction) from the Judges, And I leave it to every man to imagine how prejudiciall to us, that is, to the Common wealth, and how partiall to their fellow malefactors, the advice of ſuch judges is like to be. How undoubtedly for their own ſakes, they will conduce to their power, that every action be judged to be a leſſe fault, and every perſon to be leſſe faulty, then in

Juſtice they ought to doe; Amongſt theſe, Mr. Speaker, there is one that I muſt not loſe in the crowd, whom I doubt not but we ſhall finde when we examine the reſt of them, with what hopes they have been tempted: by what fears they have been affaid, and by what, and by whoſe importunity they have been purſued, before they conſented to what they did; I doubt not I ſay, but wee ſhall then finde him to have been a moſt admirable ſolicitor, but a moſt abominable Judge; hee it is who not only gave away with his breath, what our Anceſtors had purchaſed for us by ſo large an expence of their time, their care, their treaſure, and their blood, and imployed their induſtry, as great as his injuſtice, to perſwade others to joyne with him in that deed of gift, but ſtrove to root up thoſe liberties which they had cut downe; and to make our grievances immortall, and our ſlavery irreparable, leſt any part of our poſterity might want occaſion to curſe him; He declared that power to be ſo inherent to the Crowne, as that it was not in the power even of Parliaments to divide them.

I have heard, Mr. Speaker, and I thinke here that common Fame is ground enough for this Houſe to accuſe upon; And then undoubtedly enough to be accuſed upon in this Houſe: She hath reported this ſo generally, that I expect not that you ſhould bid me name him whom you all know, nor doe I looke to tell you newes, when I tell you it is my Lord Keeper. But this I think fit to put you in minde, That his place admits him to his Majeſtie, and truſts him with his Majeſties conſcience, and how pernicious every moment, whilſt one gives him means to infuſe ſuch unjuſt opinions of this Houſe, as are expreſt in a Libell, rather then a Declaration, of which many believe him to be the principall Secretary, and th' other puts the vaſte and moſt unlimited power of the Chauncery into his hands, the ſafeſt of which will be dangerous; for my part, I thinke no man ſecure, that he ſhall thinke himſelfe worth any thing when he riſes,

whileſt

whilſt all our eſtates are in his breaſt, who hath ſacrifi-ced his Countrey to his ambition, whilſt hee who hath proſtrated his owne conſcience, hath the keeping of the Kings, and he who hath undone us already by whole-ſale, hath a power left in him by retaile.

Mr. Speaker, in the beginning of the Parliament he told us, and I am confident, every man here believes it before he told it, and never the more for his telling, though a ſorry witneſſe is a good teſtimony againſt himſelfe; That his Majeſtie never required any thing from any his Miniſters but Juſtice, and Integrity. Againſt which, if any of them have tranſgreſt, upon their heads, and that deſervedly, it ought to fall; It was full and truly; but he hath in this ſaying pronounced his owne condemnation; we ſhall be more partiall to him then he is to himſelf, if we be ſlow to purſue it. It is therefore my juſt and humble motion, That wee may chuſe a ſelect Committee to draw up his and their charge, and to examine their carriage in this particular, to make uſe of it in the charge, and if he ſhall be found guilty of tampering with Judges againſt the publike ſecurity, who thought tampering with witneſſes in a pri-vate cauſe, worthy of ſo great a Fine, if he ſhall be found to have gone before the reſt to this Judgement, and to have gone beyond the reſt in this Judgement, that in the puniſhment for it, the Juſtice of this Houſe may not denie him the due honor both to preceed and exceed the reſt.

Sir

Sir JOHN CULPEPPERS Speech in the Commons Houſe of Parliament.

9°. *Novemb.* 1640.

Mr. SPEAKER,

I ſtand not up with a Petition in my hand. I have it in my mouth, and have it in charge from them that ſent me hither, humbly to preſent to the conſideration of this Houſe the grievances of the County of *Kent*; I ſhall only ſumme them up; they are theſe,

Firſt, the great increaſe of Papiſts by the remiſſe execution of thoſe lawes which were made to ſuppreſſe them: the life of the law is execution; without this, they become a dead letter; this is wanting, and a great grievance.

The ſecond, is the obtruding and countenancing of divers new Ceremonies in matters of Religion, as placing the Communion Table Altar-wiſe, and bowing or cringing to, or towards it, the refuſing of the holy Sacrament to ſuch as refuſe to come to the Rayles. Theſe carry with them ſome ſcandall, and much offence.

The third, is Military charges, and therein firſt, that of Coate and Conduct money, required as a loane, preſſed as a due, in each reſpect equally a grievance. The ſecond is the enhancing the price of Powder, whereby the Trayned Bands are much diſcouraged in their exerciſing: howſoever this may appeare *prima facie*, upon due

due examination it will appeare a great grievance. The third is more particular to our County: It is this; The laſt Summer was twelvemonth, 1000. of our beſt Arms were taken from the owners, and ſent into *Scotland*: The compulſary way was this; If you will not ſend your Arms you ſhall goe your ſelves. M. *Speaker*, the trayned Band is a *Militia* of great ſtrength and honor, without charges to the King, and deſerves all due encouragement.

The fourth, is the Canons, I aſſigne theſe to bee a grievance; Firſt, in reſpect of the matter, beſides the &c. Oath. Secondly, in reſpect of the makers, they were choſen to ſerve in a Convocation; that falling with the Parliament, the Scene was altered; The ſame men without any new election, ſhufled into a ſacred Synod. Thirdly, in reſpect of the conſequence, which in this age, when the ſecond ill preſident becomes a Law, is full of danger. The Clergy, without confirmation of a Parliament, have aſſumed unto themſelves power to make Lawes, to grant Reliefe by the name of benevolence, and to intermeddle with our free-hold by ſuſpenſions and deprivation, This is a grievance of a high nature.

The next grievance is the Ship-money; This cries aloud, I may ſay, I hope without offence, This ſtrikes the firſt born of every family, I meane our inheritance; If the Lawes give the king power, in any danger of the kingdom, whereof hee is Judge, to impoſe what and when hee pleaſe, wee owe all that is left, to the goodneſſe of the King, not to the Law, M. *Speaker*, this makes the Farmors faint, and the Plough to goe heavy.

The next is the great decay of cloathing and fall of our woolls; Theſe are the golden Mines of *England* which gives a foundation to that trade which we drive with all the World; I know there are many ſtarres concurre in this conſtellation, I will not trouble you with more than one cauſe of it, which I dare affirme to

bee

be the greateſt. It is the great cuſtomes and impoſitions laid upon our Cloath, and new Draperies: I ſpeak not this with a wiſh to leſſen the King revenews, ſo it be done by Parliament; I ſhall give my voice to lay more charge upon the ſuperfluities, due regard being had to trade, which we import from all other Nations: ſure I am that thoſe impoſitions upon our native commodities are dangerous, give liberty to our neighbours to underſell; And I take it for a rule, that beſides our loſſe in trade, which is five times as much as the King receiveth; what is impoſed upon our Cloaths, this is taken from the rent of our lands. I have but one grievance more to offer unto you: But this one compriſeth many, It is a neaſt of waſpes, or ſwarm of vermine, which have overcrept the land, I mean the Monopoles and Polers of the people; Theſe like the Frogs of Ægypt have gotten poſſeſſion of our dwellings, and have ſcarce a room free from them: They ſup in our Cup, they dip in our Diſh, they ſit by our fire, we finde them in the Dy fat, waſh-boule, and Poudering tub, they ſhare with the Butler in his box, they have marked and ſealed us from head to foot. Mr. *Speaker*, they will not bate us a Pin: we may not buy our own Cloathes without their brokage; Theſe are the Leeches that have ſuckt the Common wealth ſo hard, that it is almoſt become hecticall: And Mr. *Speaker*, ſome of theſe are aſhamed of their right names; they have a vizard to hide the brand made by that good law in the laſt Parliament of King *James*; They ſhelter themſelves under the name of a Corporation, they make by-laws which ſerve their turns to ſqueeſe us, and fill their purſes; unface theſe and they will prove as bad Cards as any in the pack; Theſe are not petty Chapmen, but wholeſale men. Mr. *Speaker*, I have ecchoed to you the cryes of the kingdome, I will tell you their hopes: they look to Heaven for a bleſſing upon this Parliament, they hang upon his Majeſties exempla-

exemplary piety and great juſtice, which renders his eares open to the juſt complaints of his Subjects; we have had lately a gratious aſſurance of it, they are the wiſe conduct of this, whereby the other great affaires of the Kingdome, and this our grievance of no leſſe import; And this may go hand in hand, in preparation and reſolution; Then by the bleſſing of God we ſhall return home with an Olive branch in our mouths, and full confirmations of the priviledges, which we received from our Anceſtors, and ow to our poſterity, which every freeborn Engliſh man hath received with the aire he breathed in.

Theſe are our hopes, Theſe are our prayers.

Mr. BAGSHAW his ſpeech in Parliament, 7 *die Novemb.* 1640.

Mr. Speaker,

I Had rather Act then ſpeak in thoſe weighty buſineſſes of the Kingdome, which have been ſo excellently handled by theſe foure worthy Gentlemen, that ſpake laſt, and therefore I ſhall be ſhort. For when I look upon the Body of this goodly and flouriſhing Kingdom in matters of Religion, and of our laws, (For like *Hippocrates* Twins, they live and dye together) I ſay when I behold theſe in that ſtate and plight, as they have been repreſented to us, *Flere magis libet quam dicere*; But this is our comfort, Mr. *Speaker*, that we are all met together for the welfare and happineſſe of Prince and People; And who knows whether this may not be the appoin-

ted time, wherein God will reſtore our Religion as at the firſt, and our laws as at the beginning.

The honour of a King conſiſteth in the weale of his people: this undoubted maxime his Majeſty hath made good by his late gracious ſpeech and promiſe to us to redreſſe all our grievances, to deſtroy the enemies of our Peace, and plenty.

To make a people rich, they muſt have eaſe & juſtice. Eaſe in their Conſciences from the bane of Superſtition, from the intolerable burthen of innnovation in Religion, and from the racks and tortures of ſtrange and newfangled Oaths. They muſt be eaſed in their perſons, being *liberi homines*, and not *Villanes*; All illegall arreſts and impriſonment againſt *Magna Charta*, being our greateſt liberties. They muſt be eaſed in their lands from Forreſt, where never any Deer fed, from depopulations, where never any Farm was decayed, and from incloſures, where never any hedges were ſet. But muſt laſtly be eaſed in their goods from their exactions and expilations of Purſevants and Apparitors, of Projectors and Monopoliſts, *Humanarum Calamitatum mercatores*, as an ancient finely calls them: and if the people have all theſe eaſements, yet if they have not Juſtice, they cannot ſubſiſt; juſtice is to the Civill body, as food to the naturall; If the ſtreams of Juſtice be by unrighteouſneſſe turned into Gall and Wormword, or by cruelty, like the Ægyptian waters, be turned into blood, thoſe which drink of theſe brooks muſt needs dy and periſh.

The Law ſaith that all Juſtice is in the King, who is ſtiled in our book *Fons Juſtitiæ*, and he commits it to his Judges, for the execution wherein he truſts them with two of the chiefeſt flowers, which belong to his Crown: The adminiſtration of his juſtice, and the expoſition of his laws: but he will not truſt them without an Oath required of them, by the Statute of 18 E. 31. Which is ſo ſtrict and ſevere, that it made a Judge whom

whom I know, though honeſt and ſtrict, yet to quake and tremble at the very mention of it. The effect of the Oath is, that they ſhould doe equall law, and execution of right to all the Kings Subjects, poore aſwell as rich, without regard of any perſon.

That they ſhould not deny to doe common right to any man by the Kings letters; and for any other cauſe: And in caſe ſuch letters do, that they proceed to do come the law notwithſtanding ſuch letters, or for any other cauſes, as they will anſwer to the King, in bodies, goods, and lands: how this Oath hath been performed, we have ſeen and felt; I need ſay no more. But when I caſt mine eyes upon the inferiour Courts of Juſtice, wherein no ſuch oath is required; I meane, the High Commiſſion, and other Eccleſiaſticall Courts, my ſoule hath bled for the wrong preſſures which I have obſerved to have been done and committed in theſe Courts, againſt the Kings good people; eſpecially for the moſt monſtrous abuſe of the Oath *Ex Officio*; which, as it is now uſed, I can call no other than *Carnificina Conſcientiæ*: I have ſome reaſon to know this, that have been an Attendant to the Court theſe five yeeres for my ſelfe, and a deare friend of mine, ſometimes Knight of our Shire, for a meer triviall buſineſſe; that the moſt that could be proved againſt him, was the putting on his hat in the time of Sermon. Of which Court I ſhall ſay more, and make good what I ſay, when thoſe ulcers come to be opened.

Mr. *Speaker*, I ſay theſe foure worthies that ſpake before me, have told you of our miſeries; but I cannot tell you of the remedies: For things are come to that height, that I may ſay, as *Livy* ſayd of the Roman ſtate in his time, *Nec Vitia noſtra ſcire poſſumus nec Remedia*; for no Laws will now doe us good; Better Laws could not have been made, then the Stat. of Monopolies, againſt Projectors, and the Petition of right againſt the infringers of liberties; and yet as if the Law had bin the Au-

thor of them, there hath been within theſe few yeárs more Monopolies and infringment of liberties, than hath been in any age ſince the Conqueſt: and if all thoſe vile Harlets, as Queen *Elizabeth* called them, that have been the Authors of thoſe Evils and the Troublers of our *Iſrael* doe go unpuniſhed; it will never be better with us; for now during Parliament, like frozen Snakes their poyſon dryes up, but let the Parliament diſſolve, and then their poyſon melts and ſcatters abroad, and doth more hurt then ever. What then muſt be done? Why? what the Playſter cannot doe, muſt be done by the Law: *Enſe recidendum eſt, ne pars ſincera trahatur.* I can not better Engliſh it, then in the words of a King, Let them be cut of in their wickedneſſe, that have framed miſchiefe as a Law. My concluſion, Mr. *Speaker*, is this; Let the wofull violation of the State of Monopolies, and the Petition of Right be made Felony, or Premunire at the leaſt, but yet in the interim let them be made examples of puniſhment, who have been the Authors of all thoſe miſeries, according to the Counſell of *Salomon*, *Take away the wicked from before the King, and his Throne ſhall be Eſtabliſhed in Righteouſneſſe.*

To the right Honorable the Lords Spirituall and Temporall in the high Court of Parliament aſſembled,

The humble Petition of Thomas *Earle of* Strafford *his Majeſties Lievtenant Generall of* Ireland

Moſt humbly ſheweth,

THat in obedience to your Lordſhips order, and in due reſpect and acknowledgment of your noble ju-

juſtice you vouchſafed this your Petitioner the other day, he now expreſſeth in writing that humble requeſt that he then made, concerning the examining of witneſſes; which, with your Lordſhips favor, was this,

1 That there might be no admiſſion of any examination of witneſſes in the cauſe, till your Petitioner hath put in his anſwer to the charge of Treaſon, exhibited againſt him.

2 That after anſwer, no witneſſes ſhould be examined, before your Petitioner had the names of ſuch witneſſes delivered unto him by your Lordſhips order, to the intent (as by his Councell he ſhould be adviſed) he might either except againſt ſuch witneſſes, or croſſe-examine them.

3 That before either of theſe two points ſhould be over-ruled againſt your Petitioner, your Lordſhips would be honorably pleaſed to heare him by his Councell, at the Barre, to ſhew cauſe why he humbly conceives his deſires herein to be juſt and reaſonable.

Finally, your Petitioner humbly craves your Lordſhips remiſſion, if his Petition be not ſo formall as it ought, and might be, had he the help of Councell: And ſhall ever with all expreſſion of duty and thankfulneſſe, retaine in full memory your Lordſhips moſt honourable Juſtice, and noble reſpects to your Petitioner the other day; and pay your Lordſhips the duties of this whole life for the ſame; and alwayes, and unfainedly pray for your moſt noble Lordſhips increaſe of all everlaſting honour and happineſſe.

Concerning the Prices of Wine, &c.

Die Mercurii, Maii 26. 1641.

UPon the whole matter of the Report,
It was *reſolved upon the queſtion*,

1 That the Patent for the payment of 40 ſhillings *per* Tun on the Wines by the Merchants, is illegall in the creation, and a grievance.

2 That the impoſition of a penny on a quart on French Wines, and two pence on a quart on Spaniſh Wines, is a grievance.

3 That the Patent of the impoſition of 40 ſhillings *per* Tun, is a grievance in the execution.

4 That Alderman *Abel*, and Maſter *Richard Kilvert* are the principall Projectors both in the creation and execution of this illegall impoſition of 40 ſhill. *per* Tun.

Reſolved upon the queſtion,

That there ſhalbe a Bill prepared, declaring the offences of Alderman *Abel*, and *Richard Kilvert*, to the end they may be made exemplary.

Reſolved,

Reſolved, &c

That a ſelect Committee be named, to examine who were the Referrers Adviſers, Sharers, Complotters and Contractors, and thoſe that have received any bribe or benefit by this Patent, and who drew the Patent.

Reſolved, &c.

That the Proclamation dated the 15th of July, in the 14th yeare of the King, prohibiting the Wine-Coopers to buy and ſell Wine, is illegall, and againſt the liberty of the Subject.

Reſolved, &c.

That the Decree made in the Star-chamber in December 1633. prohibiting retailing Vintners to dreſſe meat in their own houſes, to ſell againe to gueſts, is illegall, and againſt the liberty of the Subject.

Sir *Thomas Rowe* his Speech at the Councell Table, touching Braſſe Mony, or againſt Braſſe Money, with many notable obſervations thereupon, *July*, 1640.

MY Lords, ſince it hath pleaſed this Honorable table, to command amongſt others my poore opinion concerning this waighty propoſition of money, I muſt humbly crave pardon, if with that freedome that becometh my duty to my good and gracious Maſter, and my obedience to your great commands, I deliver it ſo.

I cannot my Lords, but aſſuredly conceive this intended project of infeobling the Coyn, will trench very far both into the honor of Juſtice, and profit of my Royall Maſter.

All eſtates do ſtand *Magis fama quam vi* as *Tacitus* ſaith of *Rome*; And wealth in every Kingdome is one of the eſſentiall marks of their greatneſſe, and is beſt expreſſed in the meaſures and purity of their moneys. Hence it was that ſo long as the Romane Empire, a pattern of the beſt Government held up their glory or greatneſſe, they ever maintained with little or no change the ſtandard of their Coyn, but after the looſe time of *Commodus* had led in need by exceſſe, and ſo by that ſhift of changing the ſtandard, the Majeſty of that Empire fell by degrees. And as *Vopiſcus* ſaith, the ſteps by which that State deſcended, were viſible moſt by the generall alteration of their Coynes; and there is no ſurer ſimptomes of conſumption in State, then the corruption of the Money.

What Renowne is left to the Poſterity of *Edw.*1. in amend-

ing the ſtandard both in puritie and weight, from that of elder and barbarous times; it muſt needs ſtick as a blemiſh upon Princes that do the contrary.

Thus we ſee it was with *Hen.6.* who after he had begun with a baiting the meaſures, he afterwards fell to abaſing the matter; and gr nted Commiſſion to Miſſend, and others to practiſe Alcamie to ſerve his Mint.

The extremity the State in generall felt by this agrievance, beſides the diſhonor it layd upon the perſon of the King, was not the leaſt diſadvantage his diſloyall kinſman tooke, to ingrace himſelfe into the peoples favours, to his Soveraigns Reign.

When *Hen.* the 8th. had gained as much of power and glory abroad, of love and obedience at home as ever any, he ſuffered a loſſe by this Rock.

When his Daughter Queene *Elizabeth* came to the Crowne; ſhe was happier in Councell to amend that error of her Father, for in a memoriall of the Lord Treaſurer *Burleighs* his hand, I finde that he and Sir *Thomas Smith*, a grave and learned man, adviſed the Queen that it was the Crown, and the true wealth of her ſelfe and people, to reduce the ſtandard to the ancient party, and purity of her great Grandfather *Edward* the 4th. and that it was not the ſhort end of wits, nor ſtarting holes of deviſes, that can ſuſtain the expence of a Monarchy, but ſound and ſolid courſes, for ſo are the words; She followed their a deviſe, and began to reduce the moneys to their elder goodneſſe, ſtiling this worke in her firſt Proclamation Anno 3°. a famous Act. The next year following, Anno 3°. having perfected, as it after ſtood, She telleth her people by another Edict; That She had conquered now that monſter that had ſo long devoured them, meaning the variation of the ſtandard. And ſo long as that ſad adviſer lived, She never (though often by Projectors importuned) could be drawne to any ſhift or change in her Moneys.

To avoyd the trouble of permutation, Coyners deviſed as a rule and meaſure of Marchandize and Manufactaries; which if mutable, no man can tell either what he hath, or what he oweth, no contract can be certain, and ſo all commerce both publike and private deſtroyed, and men again enforced to permutation

tion with things not ſubject to will and fraud.

The Regulating of Coyn hath been left to the care of Princes, who have ever beene preſumed to be the Fathers of the Common-wealth, upon their honors they are debtors and warrants to the ſubjects in that behalfe.

They cannot ſaith *Bodin*, alter the price of moneys to the prejudice of the ſubiect, without incurring the reproach of *Faux* moneyars. And therefore ſtories terme *Philip le Belle falſificator de monet. omnino monet. integritas debet queri ubi vultus noſter Imprimatur*, ſaid *Theodoret* the *Goth* to his Mint-maſter *Quidnam erit tutum ſi noſtra peccetur effigie*, Princes muſt not ſuffer their faces to warrant falſhood.

Although I am not of opinion with the *Minor des Juſtices*, the ancienteſt books of the Common-Law, That *Le Roy ne poit ſa money impaire ne a mander ſans Laſſent des touts les Counties*, which was the great counſell of the Kingdome. Yet cannot I paſſe over the goodneſſe and grace of many other our *Kings*, as *Edw.* 1. *Edw.* 3. *Hen.* 4. and the 5th. and others; who out of the rule of their Juſtice. *Quod ad omnes ſpectat, ab omnibus debet approbari*, have often adviſed with their people in Parliament, both for the Allay, weight, number of peeces, rate of Coynage and exchange, and muſt with infinite goodneſſe acknowledg the care and Juſtice now of my good Maſter, and your Lordſhips wiſedomes, that would not upon the information of ſome few officers of the Mint, before a free and carefull debate, put in execution this Proiect. Yet I muſt under your Lordſhips favour ſuſpect it would have taken away the tenth part of every mans due debt or rent alreadie reſerved throughout the Realm, not ſparing the King, which could have been little leſſe then a *ſpecies* of that which the Roman ſtories call *Tabulæ novæ*, from whence every ſedition hath ſprang, as that of *Marius Grantidianus* in *Livio*, who pretending in his Conſulſhip, thatt the currant money was waſhed by us, called it in, and altered the Standard, which grew ſo heavie and grievous to the people, as the Author ſayth, becauſe thereby no man knoweth certainly his wealth, that it cauſed a tumult.

In this laſt part which is the diſprofit that the enfeobling the Coyn, will bring both to his Maieſty, and to the Common-

wealth. I muſt diſtinguiſh the moneyes of gold and ſilver as they are bullion and commodities, and as they are meaſures, the one of the extrinſique quality, which is at the Kings pleaſure, as all other meaſures to name, the other the intrinſique quality, of pure mettall, which is in the Merchant to value as their meaſure, ſhall be either to be leſſened or enlarged, ſo is the quantity of the commodity that is to be exchanged, if then the King ſhall cut his ſhilling or pound in money leſſe than it was before, a leſſe portion of ſuch commodities as ſhall be exchanged, for it, muſt be received, it muſt then of force follow, that all things of neceſſity, as victualls, apparell, and the reſt as well as thoſe of pleaſure, muſt be inhaunſed. If then all men ſhall receive in their ſhillings and pounds a leſſe proportion of ſilver and gold than they did before this projected alteration, and pay for what they *buy at a* rate enhaunſed, it muſt caſt upon all a double loſſe, what the King will ſuffer by it in the Rents of his lands, is demonſtrated enough by the alteration ſince the 18 of *Ed.* 3. when all the Revenues of the Crown came unto the receipts *pondere & numero*, after 5 Groats the Ounce, which ſince that time by ſeverall changes of the Standard is come to 5ˢ. whereby the King hath two third parts of his juſt Revenues.

In his Cuſtomes, the book of rates being regulated by pounds and ſhillings, his Majeſty muſt loſe alike, and ſo in all and whatſoever moneyes, that after this he muſt receive the profits of his Coynage, cannot be much more permanent in the loſſe laſting, and ſo long as it reacheth to little leſſe than yeerly, to accept part of his Revenue, for in every pound tale of gold is 7 Ounces, 1ᵈ. weight, and 19 grains loſſe, which 25ˡ. in accompt, and in 700ˡ. tail of ſilver, which is 14ˡ. 17ˢ. more. And his Majeſty ſhall undergo all this loſſe hereafter, in all his receipts, ſo ſhall he no leſſe in all his diburſments, the wages of his ſouldiers muſt be ratably advanced, as the money is decreaſed. This *Edward* the 3, as appeareth by the accounts of the Wardrobe and Exchequer, as all the Kings after him were inforced to do, as often as the leſſened Standard of the moneyes of what ſhall be bought for his Majeſties ſervice, muſt in like manner be inhaunſed on him. As his Majeſty hath the greateſt profits of receipts and iſſues, ſo muſt he of neceſſity taſte of the moſt loſſe by this device.

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It will deſtroy or diſcourage a great proportion of the trade in England, Impair his Maieſties Cuſtomes for that part, being not the leaſt that paſſeth upon truſt and credit will be overthrown, for all men being doubtfull of diminution hereby of there perſonall eſtates will call in their moneys, already out, and no man will part with that which is lying by himupport apparant loſſe, as this muſt bring; what dammage may befall the State by ſuch a ſudden ſtand of Trade I cannot gueſſe.

The moneys both of gold and ſilver formerly Coyned and abroad, richer then thoſe intended, will be made of the moſt nereby Bulloin and ſo tranſported; which I conceive will be none of the leaſt inducements that hath drawn ſo many Goldſmithes to ſide this Proiect, that they may be thereby Factors for the Strangers, who by the Law of Mintage bring but two ſhillings ſilver to the pound waight, and 4 ſhillings for gold; whereas with us the one is and the other 5 ſhillings, many make that profit beyond the Sea, they cannot here, and ſo his Maieſties Mint unſet of worke.

And as his Maieſties loſſe appeareth in the alteration of many a 14th in the ſilver, and a 25th part in all the gold they after ſhall receive; ſo ſhall the Nobilitie, Gentry, and all other landed men in all their former ſetled Rents, Annuities, Penſions, and ſums of money, the like will fall upon the labourers and workemen in their ſtatute wages. And as their receipts are leſſened hereby, ſo are their iſſues increaſed either by improving all prices, or diſfurniſhing the Market, which muſt neceſſarily follow; for in the 5th of *Edw.* 6th, 3° *Mary*, 4to *Eliz.* as appeareth by their Proclamations, That a Rumour only of alteration cauſed ſuch effects, puniſhing the author of ſuch reports, with Impriſonment, and Pillory. It cannot be doubted, but the proiecting of ſuch a change, muſt be of far greater conſequence and danger to the State, and would be wiſhed that the Actors, and authors of ſuch diſturbances in the Common-wealth at all times hereafter, might undergo a puniſhment proportionable.

It cannot be held, I preſume, an adviſe of beſt iudgement that layeth the loſſe upon our ſelves, and the gain upon our enemies, for who are like to be in this the greateſt thrivers, is not viſible that the ſtrangers who ſupport, or money for bullion, our own Gold-ſmiths, who are their Brokers, and the Hedgminters of the

Netherlands, who tearmed them well, will have a freſh and full trade by this abaſements. And we do not the Spaniſh King, our greateſt enemy, a greater favour than by his, who being Lord of theſe commodities by his Weſt-Indies, we ſhall ſo advance them to our impoveriſhment, for it is not in the power of any State to raiſe of the price of their own, but the value that their neighbours, ſet upon them, experience hath taught us that the enfoebling of Coyn is but a ſhift for a while, as drinke to one in a dropſie, to make him ſwell the more, but the ſtate was never thorowly cured, as we ſaw in *Henry* the Eighths time, and the late Queens, untill the Coyn was made rich again.

I cannot but then conclude my honorable Lords, that if the proportion of Gold and Silver to each other be wrought to that purity, by the advice of the Artiſts that neither may be too rich for the other, that the Mintage may be reduced to ſome proportion of neighbour parts, and that the iſſue of native commodities may be brought to over-ballance the entrance of the forraigne, we need not ſeek any ſhift, but ſhall again ſee our trade to flouriſh, the Mint as the pulſe of the Common-wealth, again to beat, and our Materialls by Induſtry, to be Mynes of Gold and Silver, which we all wiſh and work for, ſupported unto us, and the honor of Juſtice, and Profit of his Maieſty.

Certain general Rules collected concerning Money and Bullion, out of the late Conſultation at Court.

GOld and ſilver hath a two fold eſtimation in the extrinſique, as they are moneys, and Princes meaſures given to his people, and this is a Prerogative of Kings in the *Intrinſique*, they are commodities valewing each other according to the plenty or ſcarcity; and ſo all other commodities by them, and that is the ſole power of Trade.

The meaſure in a Kingdome ought to be conſtant, It is the Juſtice and honor of the King; for if they be altered, all men at that time are deceived in the precedent contracts, either for lands or moneys, and the King moſt of all; for no man knoweth either what he hath, or what he oweth.

This made the Lord Treaſurer *Burleigh* in Anno 1573. when ſome Projectors had ſet on foot a matter of that nature, to tell them that they were worthy to ſuffer death, for attempting to

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put ſo great a diſhonor upon the Queen, and detriment and diſcontent on the people; for to alter this publike meaſure is to leave all the Markets of the Kingdome unfurniſhed: and what will be the miſchiefe the Proclamation of 5. and 6. 3°. *Mary*, and 4th. of *Eliz.* will manifeſt, when but a rumor produced that effect ſo farre, that beſides the faith of the Princes to the contrary delivered in their Edicts, they were inforced to cauſe the Magiſtrates in every Shire reſpectively, to conſtrain the people to furniſh the Market, to prevent a mutiny.

To thinke then this meaſure at this time ſhort, is to raiſe all prices, or to turn the meaſure of money now current into diſuſe and Bullion; for who will depart with any, when it is by ſeven more in the hundred in the maſſe, then the now moneys, and yet of no more value in the Market.

Hence the neceſſitie of it will follow, that there will not of a long time be Minted of the new to drive the exchange of the Kingdome, and ſo all trade at one inſtance at a ſtand; and in meane time the Markets unfurniſhed, and thus far as money is a meaſure.

Now as it is a commoditie, it is reſpected and valued, by the intrinſique qualitie, and firſt the one mettall to the other.

All commodities are priced by plenty or ſcarcity, by deareneſſe or cheapneſſe, the one to the other. If then we deſire our ſilver to buy gold as it hath lately been, we muſt let it it be the cheaper and leſſe in proportion valued, and ſo contrary for one equivalent proportion in both, will bring in neither; we ſee the profit there of the unuſuall quantitie of gold brought lately to the Mint by reaſon of the price, we rate it at above all other Countries, and gold may be bought too dear; to furniſh then this way the Mint with both, is impoſſible.

And at this time it was apparantly proved both by the beſt Artiſts, and Marchants moſt acquainted with the Exchange, in both the examples of the Mint-maſters, in the Rix-dolor, and Royall of Eight, that ſilver here is of equall valew, and gold above with forreine parts in the intrinſique, but that the fallacie preſented to the Lords by the Mint-maſters, is only in the nomination of extrinſique qualitie.

But if we deſire both it is not the rayſing the valew that doth it, but the balancing the Trade, for we buy more then we ſell of

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all other commodities, be the money never ſo high priced, we muſt part with it to make the diſproportion even, if we ſell more then the contrary will follow.

And this is plain in Spaniſh neceſſities, for ſhould that King advance to a double his Royall of Eight, yet needing it by reaſon of the barrenneſſe of his Country, more of forreign wares, then can countervaile by exchange with his wares, he muſt then part with his money, and gain the more by enhaunſing his coyn, but he payeth a higher price for the commodities he buyeth, if this work of rayſing be his own.

But if we ſhall make improvement of gold and ſilver being the Staple-commodities of this Kingdome, we then advancing the the price of his abaſe to him our own commodities.

To ſhape this kingdome to the faſhion of the Netherlands, were to frame a Royall Monarchie by a ſociety of Marchants, their Country is a continuall Faire, and ſo price of moneys muſt riſe and fall to fit their occaſions; we ſee this by raiſing the Exchange of *Frankford*, and other places, of their uſuall time of the Marts.

This frequent and daily change in the Low-Countries of their moneys is no ſuch injuſtice to any there, as it would be here, for there they being all Merchants, or mechanicks, they can rate accordingly their labour and their Ware, whether it be Coyne, or other merchandize, to the preſent condition of their own money in Exchange.

And our Engliſh Merchants to whoſe profeſſion it properly belongeth, do ſo according to their juſt intrinſique valew of their forreign Coyn in all barter of commodities or Exchange, except uſance which we that are rated and tyed by the extrinſiques meaſure of moneys in all our conſtant reckonigs, and annuall bargains at home cannot do.

And for us then to raiſe our Coyn at this time, to equall their proportions were but to render our ſelves to a perpetuall incertainty, for they will raiſe upon us daily them again, which we of courſe ſhall follow, elſe receive no profit by this preſent change; and ſo deſtroy the Policie, Juſtice, honor, and tranquilitie of our State for ever.

The

To the Right Honourable the Lord Deputy.

The humble and juſt Remonſtrance of the Knights, Cittizens and Burgeſſes in Parliament aſſembled.

SHewing that in all ages ſince the happy ſubjection of this Kingdome to the Imperiall Crowne of *England* it was and is a principall ſtudy and Princely care of his Majeſty and his moſt noble Progenitors, Kings and Queens of *England*, and *Ireland*, to the vaſt expence of treaſure and blood; That their loyall and dutifull people of this Land of *Ireland*, beeing now for the moſt part derived from Brittiſh Anceſtors, ſhould be governed according to the municipall and fundamentall Lawes of *England*; That the ſtatute of *Magna Charta*, or the great Charter of the liberties of *England*, and other laudable lawes and ſtatutes were in ſeverall Parliaments heere enacted and declared; that by the means thereof & of the moſt prudent & benign government of his Majeſtie & his Royall Progenitors, this Kingdome was untill of late in its growth a flouriſhing eſtate, whereby the ſaid people were heretofore enabled to anſwer their humble and naturall deſires, to comply with his Majeſties Princely and royall occaſions, by their free gift of 150. thouſand pounds ſterling: and likewiſe by another free gift of 120. thouſand pounds more, during the government of the Lord Viſcount *Fanlkland*, and after by the gift of 40. thouſand pounds, and their free and cheerefull gift of ſixe intire Subſidies, in the tenth yeare of his Majeſties Reigne, which to comply with his Majeſties then occaſions, ſignified to the then houſe of Commons, they did allow ſhould ammount

in the Collections unto a hundred and fifty thouſand pounds (although as they confidently believe) if the Subſidies had been levyed in a moderate Parliamentary way, they would not have amounted to much more then halfe the ſum aforeſaid, beſides the foure intire Subſidies graunted in this preſent Parliament.

Soe it is, may it pleaſe your Lordſhip, by the occaſion of inſuing and other grievances and Innovations, though to his Majeſty no conſiderable profit this Kingdome is reduced to that extreame and univerſall poverty, that the ſame is leſſe able to pay 2 Subſidies then it was hertofore to ſatisfie all the before-recyted great payments. & his Majeſties moſt faithfull people of the Land, do conceive great fears, that the ſaid grievances and conſequences thereof, may be hereafter drawne into preſidents, to be perpetuated upon their poſterity which in their great hopes and ſtrong beliefe, they are perſwaded is contrary to his Royall and Princely intention towards his ſaid people, of which greivances are as followeth.

1, Firſt, the generall apparant decay of Trades, occaſioned by the new and illegall raiſing of the booke of rates, and impoſitions upon native, and other Commodities, exported and imported, by reaſon whereof and of extreame uſage and cenſures, Merchants are beggered both, and diſinabled and diſcouraged to Trade; and ſome of the honourable perſons who gaine thereby often Iudges and parties. And that in the concluſion his Majeſties profit thereby is not conſiderably advanced.

2. The arbitrary deciſion of all civill cauſes and controverſies by paper petitions, before the Lord Lieutenant and Lord Deputy, and infinite other Iudicatories upon references from them derived in the nature of all actions determinable at the Common Law, not limited into certaine time, cauſe ſeaſon or thing whatſoever: And the conſequences of ſuch exceeding by immoderate and unlawfull fees, by Secretaries Clarkes, Purſivants, Serjeants at Armes, and otherwiſe, by which kinde of proceedings his Majeſty looſeth a conſiderable

derable part of his revenue upon originall writs, and other wiſe: and the Subject looſeth the benefit of his writ of Error, bill of reverſall, vouchees, and other legall and juſt advantages and the ordinary courſe and Courts of Iuſtice declined.

3. The proceedings in civill cauſes at Counſell board, contrary to the Law and great Charter, not limtted to any certaine time or ſeaſon.

4 That the Subject is in all the materiall parts thereof denyed the benefit of the Princely graces, and more eſpecially of the ſtatute of limitations of 21. of *Iac.* Graunted by his Majeſty in the fourth yeare of his Raigne, upon great advice of Counſell of *England* and *Ireland*, and for great conſideration, and then publiſhed in all the Courts of *Dublin*, and in all the Counties of this Kingdome in open aſſizes, whereby all perſons doe take notice, that contrary to his Majeſties pious intentions, his Subjects of this land have not enjoyed the benefit of his Majeſties Princelie promiſe thereby made.

5. The extrajudiciall avoyding of Letters Pattents of eſtates; of a very great part of his Majeſties ſubjects under the great Seale (the publique faith of the Kingdome) by private opinions, delivered at the Counſell-board without legall evictions of their eſtates, contrary to the law, and without preſident or example of any former age.

6. The Proclamation for the ſole emption and uttering of Tobacco, which is bought at very low rates, and uttered at high and exceſſive rates, by meanes whereof thouſands of families within this Kingdome, and of his Majeſties Subjects, in ſeverall Ilands, and other parts of the Weſt Indies (as your Petitioners are informed) are deſtroyed; and themoſt part of the coyn of this Kingdome is ingroſſed into particular hands: Inſomuch as the petitioners do conceive that the proffit ariſing and engroſſed thereby doth ſurmount his Majeſtyes revenue, certain or caſuall, within this Kingdome, and yet his Majeſty receiveth but very little profit by the ſame.

7. The univerſall and unlawfull increaſing of Monopolies, to the advantage of a few, to the diſprofit of his Majeſty, and Impoveriſhment of his people.

8. The extream and cruell uſage of certain late Commiſſioners, and other ſtewards, the Britiſh Farmers and Inhabitants of the City and County of *London Derry*, by meanes whereof the worthy Plantation of that Country is almoſt deſtroyed, and the Inhabitants are reduced to great poverty, and many of them forced to forſake the Countrey, the ſame beeing the firſt and moſt uſefull Plantation in the large Province of that Ulſter, to the great weakning of the Kingdome, in in this time of danger, the ſaid plantation being the principall ſtrength of thoſe parts.

9. The late erection of the Court of high Commiſſion, for cauſes Eccleſiaſticall in thoſe neceſſitious times, the proceedings of the ſaid Court, in many cauſes without legal warrant, and yet ſo ſupported as prohibitions have not been obtained, though legally ſought for: And the exceſſive fees exacted by the Miniſters thereof, and the encroaching of the ſame upon the juriſdiction of other Eccleſiaſticall Courts of this Kingdome.

10. The exorbitant fees and pretended Cuſtomes exacted by the Clergy againſt the Law, ſome of which have been formerly repreſented to your Lordſhip.

11. The Petitioners doe moſt heartily bemone that his Majeſties ſervice and profit are much more impaired then advanced, by the grievances aforeſaid; & the Subſidies graunted in the laſt Parliament, having much increaſed his Majeſties revenue, by the buying of graunts, and otherwiſe: and that all his Majeſties debts then due in this Kingdome, were ſatisfied out of the ſaid Subſidies; and yet his Majeſty is of late, (as the petitioners have been informed, in the houſe of Commons) become indepted in this Kingdome, in great ſomes; And they doe therefore humbly beſeech, that an exact accompt may bee ſent to his Majeſty, how and in what manner his treaſure iſſued.

12. The

12. The Petitioners doe humbly conceive juſt and great feares, at a Proclamation publiſhed in this Kingdome, in Anno Domini 1635. Prohibiting men of quality or eſtates, to depart this Kingdome into *England*, without the Lord Deputies Licence, wherein the Subjects of this Kingdome are hindered and interrupted from free acceſſe, to addres to his ſacred Majeſty, and privie Counſell of *England*, to declare their juſt grievances, or to obtaine remedies for them in ſuch ſorts as their Anceſtors have done, in all ages ſince the Reigne of King *Henry the ſecond*, and great fees exacted, for every of the ſaid Licenſes.

13. That of late his Majeſties late Atourney generall, hath exhibited Informations againſt many Boroughs of this Kingdome, into his Majeſties Court of Exchequer, to ſhew cauſe, by what warrant the ſaid Burgeſſes (who heretofore ſent Burgeſſes to the Parliament) ſhould ſend the Burgeſſes to the Parliament, and thereupon for want of an anſwere, the ſaid priviledges of ſending Burgeſſes was ſeiſed by the ſaid Court, which proceedings were altogether *Coram non Iudice*, and contrary to the lawes and priviledges of the houſe of Parliament; (and if way ſhould be given thereunto) would tend to the ſubverſion of Parliaments, and by conſequence to the ruine and deſtruction of the Common-wealth.

And that the houſe of Commons, hath hitherto in this preſent Parliament, been deprived of the advice and Counſell of many profitable and good members by means thereof.

14. By the powerfulneſſe of ſome Miniſters of ſtate in this Kingdome, the Parliament in its members, and actions, hath not his naturall freedome.

15. And laſtly, that the Gentry, and Merchants, and other his Majeſties Subjects of this Kingdome, are of late by the grievances, and preſſures before ſaid, & other the like brought very neere to ruine, and deſtruction: And Farmers of Cuſtomes, Cuſtomers, Waiters, Searchers, Clarkes of unwarrantable proceedings, Purſivants, and Goalers, and ſundry others, very much enriched, whereby and by the ſlow re-

dreſſe of the petitioners, his Majeſties moſt faithfull and dutifull people of this *Kingdome*, doe conceive great feares, that their readineſſe approved upon all occaſions, hath not beene of latere preſented to his ſacred Majeſty: For remedy whereof the ſaid Petitioners doe humbly and of right beſeech your Lordſhip, that the ſaid grievances and preſſures may bee ſpeedily redreſſed, and if your Lordſhip ſhall not thinke fit to afford preſent reliefe, that your Lordſhip might admit a ſelect Committee of this houſe of Perſons unintereſſed in the benefit ariſing of the aforeſaid grievances to be licenſed by your Lordſhip, to repaire to his ſacred Majeſty in *England*, for to purſue the ſame and to obtaine fitting remedy for their aforeſaid and other juſt grievances and expreſſions, and upon all juſt and honourable occaſions, they will without reſpect of particular intereſt or profit, to be raiſed thereby moſt humbly and readily in Parliament extend their uttermoſt endeavour to ſerve his Majeſty and comply with his royall and princely occaſions, And ſhal pray, &c.

Mr. Secretarie *Windebancks* Charge in Parliament 7. *December* 1640.

1

SEventie fower Letters of grace to Recuſants within this fowr yeares ſigned with his owne hands.

2. *Sixtie foure Prieſts diſcharged from the Gateh ouſe at Weſtminſter within theſe* 4. *years, and for the moſt part by him.*

3. *Twenty nine diſcharged by a verball warrant from him.*

4. *A warrant to protect one Musket a condemned Prieſt, and al the houſes he frequented.*

5. *One committed by the Kings own hand, and diſcharged by him without ſignifying the Kings pleaſure.*

6. *The Petition of the pariſh of* St. Gyles *in the fields to the King of the increaſe of Poperie and that* 21. *were turned by two Prieſts* Moſſe *and* Souther, *which being committed were ſuddenly diſcharged by Secretary* Windebanck.

A meſſage from the Houſe of Commons to his Majeſty 15. *December* 1640

Mr. Treaſurer

IS intreated from this houſe to acquaint his Majeſty with the great care and affection of the houſe to advance and ſettle his Majeſties Revenue, and for that purpoſe we humbly deſire his Majeſty will give us leave to enter into debate of his revenue and his expence.

His

His Majeſties anſwere thereto by *Mr.* Treaſurer.

His Majeſty being by me acquainted with the great care and affection of the houſe of Commons *to advance and ſettle his Maieſties Revenew, doth very graciously interpret the ſame, and hath commanded me to give the Houſe thankes for it in his name; and his Majeſty doth give the Houſe free leave to enter into debate of his Revenews and Expences, as is deſired, and hath given order that all his Officers and Miniſters from time to time, ſhall aſſiſt the Houſe therein, as there ſhall be occaſion.*

Vote concerning the *Cannons* in the Houſe of Commons. 15. *Decem.* 1640.

That the Clergy of England *Convented in any Convocation or Synod, or otherwiſe have no power to make any Conſtitutions, Cannons or Acts whatſoever in matter of Doctrine, or otherwiſe to bind the Clergy or Laity of this Land without the Commons conſent of Parliament.*

That the ſeverall Conſtitutions and Cannons Eccleſiaſticall, Treated upon by the Arch-biſhop of Canterbury, *and* Yorke, *Preſidents of the Convocation for the reſpective Provinces of* Canterbury *and* Yorke, *and the reſt of the Biſhops and Clergy of theſe Provinces, and agreed upon by the Kings Maieſtits lycence in their ſeveral Synods began at* London *and* York 1640. *do not bind the Clergy or Laity of this Land, or either of them.*

THE

An Order concerning *Monopolers*.

19. *November* 1640-.

IT is ordered that upon the queſtion that all Projectors and Monopolizers whatſoever, or that have had any ſhare in any Monopolies, or that doe receive or lately have received any beneſit by any Monopolies or Patten, or that have procured any warrant or command, for the reſtraynt or moleſting of any that have refuſed to conforme themſelves to any Proclamation or project are diſabled by order of this Houſe, and if any man have been known to have been a Monopolizer or Pattentee ſhall repaire to have beene a Monopolizer, that he ſhall nominate him; that ony member of this Houſe that is a Monopolizer, or Pattentee, ſhall repayre to *Mr.* Speaker, that a new warrant may iſſue forth or other wiſe that he be dealt with as a ſtranger that hath no power to ſit here.

Order againſt *Monopolies* and Pattens 25. *Nov.* 1640.

IT is this day ordered in the Commons Houſe now aſſembled in Parliament that all Pattens and Grants of Monopolies that have been complained of in this houſe.

The *Scottiſh* Commiſſioners thanks to his Majeſty 30. *Decemb.* 1640.

WEE doe in the Name of the PARLIAMENT and whole Kingdome of Scotland acknowledge in all humility and thankfulneſſe, in granting our firſt demand being fully aſſured that the Parliament will leave nothing undone that may ſerve for his Majeſties honour & the whole Kingdome, in Teſtimony of their thankfulneſſe, will earneſtly pray, that God will graunt his Majeſty a long and proſperous Reigne. Adam Blaire.

The humble Declaration of the Maſter *and* Wardens *of Vintners*, William Abel *Alderman of* London, *and the reſt of the Court of Aſſiſtants of that Company, how in what manner the ſaid Company, Farmers and Adventurers have proceeded in the Farmes of* 40. *ſhillings per tunne and wine Licence.*

IN the yeare 1632. *The Lord* Weſton *beeing then high Treaſurer of England ſent for the* Maſter *and* Wardens *of the Company of* Vintners, *and demanded of them the Vent and conſumption of Wines, one peny a quart, which is* 4. *pound per tun, which they utterly refuſed, alleadging it would be the utter undoing of the retayling Vintners.*

In

In Anno 1633. a Decree was made by the advice of the Judges of *England* in the *Star-chamber*: That the Retaylers of wines might not ſell or dreſſe Victuals in their houſes, which time out of mind they were accuſtomed to doe. And this done without any information or bill, or any called to defend or Iuſtifie their trade or uſage of it.

In *Anno* 1634. his Majeſty queſtioned the Vintners, and Retaylers of *Wine*, for the breach of the ſaid Decree, and drew 6000. pounds from the *Vintners* to be lent him: And thereon his Majeſty did by order give way to the Retaylers of Wines, to dreſſe and ſell Victuals till *December* then next following; at which time his Majeſty promiſed to ſettle it as he thought fit for him to ſigne, and then to have the Vintners relying upon that Temporary Lycence, and of his Majeſties gracious Declaration continued to dreſſe meate beyond the tyme.

In *Anno* 1635. The retaylors of Wines were againe queſtioned for breach of the former Decree by his Majeſty, and the Lord *Cottington*, then propounded to yeeld to pay ſomewhat on their vent of Wines, to his Majeſty, which the Retayling Vintners utterly refuſed to doe.

In *Anno* 1636. many retaylors of Wynes were by information in Maſter Attourneys name queſtioned in *Star-chamber*, for breach of the decree, and ſo farre proceeded againſt as that they were ſerved with Proceſſe of that Court to hear judgment.

That things thus depending Sir *Richard Kilvert* repayred to *Alderman Abell*, then Maſter of the Company, beeing a meere ſtranger to Maſter *Kilvert*, and told him his Majeſty bid him command by warrant, to proſecute the Vintners in the *Star-chamber*, for ſelling above the price, and breach of the Decree, for dreſſing of meat, and againſt the Merchants ſcopers, and others; Intimating further it was his Majeſties pleaſure that ſome of the Company of Vintners ſhould attend the *Right Honourable Marquis Hambleton* concerning the ſame.

In *October Anno* 1637. at Vintners Hall *London*, *William Abell Alderman* beeing then Mr. of that Company, imparted to the Company, that Maſter *Richard Kilvert* had been lately with him, and acquainted him with the former paſſages.

At this court the company of vintners taking their buſines into their ſerious conſiderations, & weighing how they might hazard the utter undoing of ſuch as had tranſgreſſed the Decree, if they ſhould be brought to a ſentence in *Star-chamber* made choyſe and did intreate *Alderman Abell*, *then their maſter*, *Edward Kinaſton*, *Robert Shawe*, *Ralph Moore*, *George Hubburt*, *and Michaell Gardiner*. For the Committee, to waite upon the ſaid Lord Marques *Hambleton*, by whom Maſter *Killvert* had intimated his *Majeſties* pleaſure ſhould bee made knowne, and to impart the ſame againe unto the Company.

That

That Alderman *Abell*, and the reſt, did attend the Marqueſſe who told them, that his Majeſty had given him the Fines of all the Vintners to be impoſed in *Star-chamber*, but yet if the Vintners would condeſcend to pay his Majeſty 4. pound a Tunne, upon Conſumption of wines, he could forbeare the fines, and all proſecutions ſhould be ſtayed, and himſelfe would depend upon his Majeſties favour in ſome other thing.

And after many attendances and ſeverall reaſons offered by them on the behalfe of the Company, againſt paying any thing on the Conſumption of Wines, and not prevailing, beeing then by the Lord Marqueſſe promiſed ſome advancing price and other priviledges, and beeing adviſed by Counſell that wine beeing a forraygn Commodity, his Majeſty might prohibite the comming of it, and impoſe what he pleaſed on it, thereupon and upon the aforeſaid threats and promiſes after the ſame was imparted, and often debated by the Companie, they ſubmitted to the payment of 40 ſhillings *per Tunne*, 4. pound beeing demanded; And ſo on the 13. of *June* 1638. together with the *French* and *Spaniſh* Merchants, they the ſaid Company of Vintners, contracted by Indenture Quadrupartite with his Majeſty, to pay him fourtie ſhillings *per Tunne* on all ſuch wines as they bought and Vented, and the Company of Vintners beeing enformed that the Farmers of his Majeſties Cuſtomes, and ſome particular Merchants of the Company of Coopers,

London moved and ſued to his Majeſty to farme the ſayd Duties, and the Company of Vintners well knowing what great hinderance it would bee to them, if ſtrangers ſhould come in & ſearch their ſellers, & know the particular of what they had bought and ſould, the Company to prevent many inconveniences, deſired rather to Farme the duty from his Majeſty, his Majeſtie declaring that he would not contract with a generality of company for the ſame, but with ſome particular members.

The Company did deſire Alderman *Abell*, and nine others freemen of their Company, to performe the contract with his Majeſty for the ſame duty, who tooke it to farme at 3000. Pounds *Per Annum* for eight yeares.

And it was agreed by the Company, that the farmers ſhould have no more ſhare of profit and loſſe in the Farme then other brethren had, which ſhould be pleaſed to undertake, and goe adventure with them: And it was ordered by the Company, that if that Farmer or adventurer ſhould deceaſe, that then that partyes adventure ſhould bee tranſferred to ſome other free Vintner, and to none other, and not to deſcend either to

to the Executors or Adminiſtrators of ſuch Vintners, ſo deceaſing; the ſaid ten Farmers, being nominated by the Company, and adventured in the ſame farme of forty ſhillings *per Tunne* on Wine and Farme of Wine Licences, which they likewiſe took by direction of the Company, on the ſecond of *January* 1640. Humbly Petitioned his Majeſty to accept of the ſaid Farmes, they accounting to his Majeſty for all moneys received from the beginning, they having allowance for what they diſburſed, and ſtand engaged for, for his Majeſties ſervice, with intereſt and neceſſary charges, without any profit to themſelves.

And Maſter Alderman *Abell* and divers others, the Contractors never dealt in groſſe nor benefitted themſelves by the Advance upon Retayle of wine, ſo that he in all this hath bin but a perſon intreated into this buſineſſe for the Company, and no whit for himſelfe, nor hath otherwiſe or in any other manner as forother cauſe acted any thing at all in or concerning this buſines.

THE

To the High and Honourable Court of PARLIAMENT,

The humble Petition of the *Univerſity* of OXFORD,

Sheweth,

THAT whereas the *Univerſitie* hath been informed of ſeverall Petitions concerning the preſent Government of this Church, and maintenance of the Clergie, which have of late been exhibited to this Honourable Aſſembly; We could not but think our Selves bound in duty to God, and this whole Nation, in charity to our Selves and Succeſſors, who have and are like to have more then ordinary intereſt in any reſolution that ſhall be taken concerning Church-affaires, in all humility, to deſire the continuance of that form of Government, which is now eſtabliſhed here, and hath been preſerved in ſome of the Eaſtern and Weſtern Churches, in a continued Succeſſion of *Biſhops*, downe from the very Apoſtles to this preſent time; the like whereof cannot be affirmed of any other form of Government in any Church. Upon which conſideration, and ſuch other motives as have been already repreſented to this Honourable Parliament from other Perſons and places (with whom we concurr) in behalf of *Epiſcopacy*, We earneſtly deſire, that you would protect that ancient and *Apoſtolicall Order* from ruine or diminution.

And become farther Suiters for the continuance of thoſe pious Foundations of *Cathedrall Churches*, with their Lands and Revenues,

As dedicate to the Service and Honour of God, ſoon after the plantation of Chriſtianity in the Engliſh Nation:

As thought fit and uſefull to be preſerved for that end, when the Nurſeries of Superſtition were demoliſhed, and ſo continued in the laſt and beſt times ſince the bleſſed Reformation, under *King Edw. 6. Q Elizabeth* & *K. James*, Princes renowned through the world for their piety and wiſdome:

As approved and confirmed by the Laws of this Land, ancient and modern:

As the principall outward motive and encouragement of all Students, eſpecially in Divinity, and the fitteſt reward of ſome deep and eminent Scholars:

As producing or nouriſhing in all ages many godly and learned men, who have moſt ſtrongly aſſerted the truth of that Religion we profeſſe, againſt the many fierce oppoſitions of our Adverſaries of *Rome*.

As affording a competent portion in an ingenuous way to many younger Brothers of good Parentage, who devote themſelves to the Miniſtery of the Goſpell:

As the onely means of ſubſiſtence to a multitude of Officers and other Miniſters, who with their Families depend upon them and are wholly maintained by them:

As the main Authors or upholders of diverſe Schools, Hoſpitalls, High-wayes, Bridges, and other publique and pious works:

As ſpeciall cauſes of much profit and advantage to thoſe Cities where they are ſcituate, not only by relieving their poore, and keeping convenient Hoſpitality, but by occaſioning a frequent reſort of Strangers from other parts, to the great benefit of all Tradeſmen, and moſt Inhabitants in thoſe places:

As the goodly Monuments of our Predeceſſors Piety, and preſent Honour of this kingdome in the eye of forreine Nations:

As

As the chiefe ſupport of many thouſand Families of the Laity, who enjoy faire eſtates from them in a free way:

As yeelding a conſtant and ample revenue to the Crown:

And as by which many of the learned *Profeſſours* in our *Univerſity* are maintained.

The ſubverſion or alienation whereof muſt (as we conceive) not only be attended with ſuch conſequences as will redound to the ſcandall of many well affected to our Religion, but open the mouths of our Adverſaries, and of Poſterity againſt us; and is likely in time to draw after it harder conditions upon a conſiderable part of the Laity, an univerſall cheapneſſe and contempt upon the Clergie, a lamentable drooping and defection of induſtry and knowledge in the *Univerſities*; which is eaſie to foreſee, but will be hard to remedy.

May it therefore pleaſe this Honourable Aſſembly, *upon theſe and ſuch other Conſiderations as your great wiſdomes ſhall ſuggeſt, to take ſuch pious care for the continuance of theſe* Religious Houſes, *and their Revenews, according to the beſt intentions of their* Founders, *as may be to the moſt furtherance of Gods glory and ſervice, the Honor of this Church and Nation, the advancement of* Religion *and* Learning, *the encouragement of the modeſt hopes and honeſt endeavours of many hundred* Students *in the* Univerſities

Who doe and ſhall ever pray, &c.

Dat. An. Dom. *milleſimo ſexcent' quad' primo è Domo Convocationis, in celebri Conventu Doctorum ac Magiſtrorum, omnibus & ſingulis aſſentientibus.*

The Speech of Sergeant *Glanvill* in the upper Houſe of *Parliament*, for the Redreſſe of the preſent Grievances.

His Majeſty being ſeated on his Throne, Sergeant Glanvill *was called to the Barre, being repreſented by the Houſe of Commons for their Speaker; who ſpake as followeth.*

May it pleaſe your Majeſty,

THE Knights, Citizens, and Burgeſſes, of your Commons Houſe of Parliament in conformity to ancient and moſt conſtant uſage (the beſt guide in great ſolemnities) according to their well known priviledges (a ſure warrant for their proceedings) and in obedience to your Majeſties moſt gratious commands (a duty well becomming loyall Subjects) have met together, and choſen a ſpeaker, one to be the mouth, indeed the ſervant of all the reſt to ſteare watchfully and prudently in all their weighty conſultations and debates, to collect faithfully and readily the Votes and genuine ſenſe of that numerous aſſembly, to propound the ſame ſeaſonably & in apt queſtions for their finall reſolution, and to preſent them and their concluſions, their declarations with truth and light, with life and luſtre, and with full advantage to your moſt Excellent Majeſty. With what Judgement, with what temper, ſpirit, and elocution he ought to be endued, your Majeſty in your great wiſedome is beſt able to diſcern, both as it may relate to your

your own peculiar and important affairs of State, to the proper work and buſineſſe of this Houſe of Commons, which was never ſmall or mean, and now like to be exceeding weighty.

It is a learned age wherein we live under your Majeſties moſt peacefull government; and your Houſe of Commons is not only the repreſentative body, but the abſtracted quinteſſence of the whol Communalty of this your noble Realme.

I moſt humbly therefore beſeech your Majeſtie as the father of the Commonwealth, and hope of the whole nation, to whom the care of all our welfares appertains, to have reſpect to your own intereſt, have regard to your Houſe of Commons, have compaſſion upon me the unworthieſt member of that body, ready to faint with fear, before the burthen lights on me, I have only a hearty affection to ſerve you and your people, little abilities for performance; In the fulneſſe therefore of your Royall power, your piety, goodneſſe, be gratiouſly pleaſed to command the Houſe of Commons to deliberate upon a better choice who may be worthy of their chooſing, and your Majeſties acceptations.

My Lord Keeper having by his Majeſties direction confirmed him as Speaker, he addreſt himſelfe to his Majeſty as followeth.

Moſt gratious Soveraigne,

My profeſſion hath taught me, that from the higheſt Judge there lies no writ of error, no appeale; what then remains, but that I firſt beſeech Almighty God the author and finiſher of all good works, to enable me to diſcharge honeſtly and effectually ſo great a taske, ſo great a truſt; and in the next place humbly to acknowledge your Majeſties favor? Some enemies I might feare, the common enemy of ſuch ſervices, expectation and jea-

louſly; I am unworthy the former, and I contemn the latter. Time the touchſtone of truth ſhall teach the babling world, I am and will be found an equall freeman, zealous to ſerve my Soveraign, zealous to ſerve my deareſt Country.

Monarchy Royall of all governments the moſt illuſtrious and excellent, whether we regard the glory, wealth, or ſafety of the governours or people; I hope none of this Nation are of Antimonarchicall ſpirits nor friends to ſuch, if there be, I wiſh no greater honour to this Parliament, then to diſcover them and to aſſiſt your Majeſty to ſuppreſſe and confound them.

To behold your Majeſty in peace and ſafety affords compleat joy to all Loyall Subjects, who cannot but conclude with me in this deſire.

Serus in cælum redeas, diúque
Lætus interſis Populo Britanno.

England is your ſeat of reſidency, *Scotland* is your native place, and herein hath the advantage; *Ireland* imitates *England* by a great and quick progreſſion in civility and converſation, in improvement of the ſoile and plantation.

France is ſtill attendant on your Royall ſtile; A Kings Prerogative is as needfull as great, without which he ſhould want that Majeſty which ought to be inſeparable from his Crown, nor can any danger reſult thereby to ſubjects liberties, ſo long as both admit the temperament of Law and Juſtice, ſpecially under ſuch a Prince, who to your immortall Honor hath publiſhed this to the whole world for your maxime, that the peoples liberties ſtrengthen the Kings Prerogative, and the Kings Prerogative is to defend the peoples liberties; Apples of gold in pictures of ſilver.

Kings as Kings are never ſaid to Erre, only the beſt may be abuſed by miſinformation; this the higheſt point of Prerogative that the King can doe no wrong; if then

by

by the ſubtilty of miſinformers, by the ſpecious falſe pretences of publique good, by a cunning and cloſe contrivance of their waies to ſeduce the Sacred Royall Perſon, it be ſurprized and overwrought to command contrary to law, and be executed accordingly; theſe commands will be void, and this King innocent even in his very perſon, and the authors of ſuch miſinformations, the actors of ſuch abuſes ſtand expoſed to juſt cenſure, having nothing to defend themſelves but the colour of a vo[illegible] command, made void by juſt Prerogative, and the fundamentall reaſons of ſtate.

Touching juſtice, there is not a more certain ſigne of an upright Judge, then by his patience to be well informed before ſentence given, and I may boldly ſay, all the Judges in your Kingdome may take example by your Majeſty and learn their duties by your practiſe, my ſelfe have often been a witneſſe thereof to my no little admiration.

From your patience, pleaſe you give me leave to preſſe to your righteous judgement, and exemplifie it but in one inſtance. When your Lords and people in your laſt Parliament preſented your Majeſty a Petition concerning their rights and liberties, the Petition being of no ſmall weight, your Majeſty after mature deliberation, in few but moſt effectuall words; (*ſoit droict faict come eſt deſire*) made ſuch an anſwer, as ſhall renown you for juſt Judgement to all poſterity.

Let us heartily pray that this Parliament may be famous for the advancement of Sacred Religion, and to that end that the moſt Reverend Prelates, ſitting on the right hand of your Kingly ſide, be moſt forward therein, to whom it is moſt proper.

That the Nobles girt with their ſwords in their creation, and moſt eſpecially rewarded and honored for actions military: call to minde the moſt renowned Acts of their Anceſtors, whoſe lands and honours they inherite, and

and how renowned this Land hath been through the whole World for Art and Armes, and labor to reſtore it to its ancient ſplendor: The beſt way to preſerve peace, is to be well fitted for War.

But were this Nation never ſo valiant or wealthy, if Unity be not among us, what good will riches doe us, or your Majeſty, but inrich the conqueror? he that commands all hearts by love, he onely commands aſſuredly; greatneſſe without goodneſſe can at beſt but command bodies.

It ſhall therefore be my hearty prayer, That ſuch a knot of love may be knit betwixt the Head and members that like *Gordius* knot it never be looſed: That all Jeſuited forrain States who look aſquint upon our Hieruſalem may ſee themſelves defeated of all their ſubtill plots and combinations, of all their wicked hopes and expectations, to render us, if their miſchiefe might take effect, a people inconſiderable at home, and contemptible abroad.

Religion hath taught us (*Si Deus nobiſcum, quis contra nos?*) and experience I truſt will teach us (*Si ſumus inſeparabiles ſumus inſuperabiles.*) It was found, and I hope it ſtill ſhall and will be the Tenet of the Houſe of Commons; That the King and peoples good cannot be ſevered: And curſed be every one that goes about to divide them.

Secretarie *Windebankes* Letter to my Lord Chamberlain, from Callis,

January 11.

MY Lord, I ow my ſelfe to your Lordſhip, for your late favors; and therefore, much more the account of my ſelf, though the debt in either reſpect, be of little conſideration, and the calling of both may be of greater advantage to you, then to continue be Obligation.

This account had been preſented to your Lordſhip, at my firſt arrivall here with my firſt diſpatches, but I was ſo mortified with my hazardous paſſage in an open ſhallop, and ſo perplext with the thoughts to miſeries, into which I finde my ſelfe plunged, and beſides, the departure of the meſſenger that carried thoſe letters, was ſo ſuddaine, that it was not poſſible to perform this dutie to your Lordſhip ſooner; *For the which I do moſt humbly crave pardon:* your Lordſhip may now pleaſe to accept the expreſſions, from the ſaddeſt and moſt wounded ſoule in the whole World, who am a ſpectacle of miſery in my ſelfe, in my diſtreſſed Wife and Children, and in my whole fortunes, who have left the attending of my Soveraigne and Maſter, and acceſſe to the beſt Prince in the world, who am become a ſcorne and by-word to all the world, both at home and abroad, a wanderer, an Exile from mine own Country, now in the declination of my years, and likely to end my dayes, in a remote Country, and far from the comfort of all my friends; *What I am guilty of none knows ſo well as his Majeſty whom*

I have ſerved faithfully, diligently, painfully, and with as true and loyall an heart, according to my poore abilities, as any other whatſoever, and if I found my Conſcience charged with any crime of baſeneſſe, corruption, infidelity, or anything elſe unworthy of a Gentleman, I ſhould not venture to addreſſe theſe complaints to your Lordſhip, or to any other perſon of Honour, in this diſconſolate eſtate, being an object not altogether unworthy of your Lordſhips compaſſion, be it for no other reſpect, but that I have long ſerved the King and Queens Majeſties, I doubt not but your Lordſhip, in your generoſity and goodneſſe, will have a lively ſenſe and feeling of my ſufferings, and vouchſafe me ſuch reliefe as in your Honour you may; and if my ſelf, who by courſe of Nature cannot be now of long continuance, be not conſiderable, I moſt humbly beſeech your Lordſhip to have pity upon my poore innocent wife, and children, that they receive ſuch comfort and aſſiſtance from you in my abſence, that they may be preſerved from periſhing. And to that end I moſt humbly crave your Lordſhips favour to this Bearer my Sonne, and to give him the honour of acceſſe whenſoever he ſhall make his addreſſes to you, wherein you ſhall doe a worke of ſingular charity; and becauſe there is an opinion in the world, that I have much improved my fortunes by the Romane party; and there hath beene ſome deſigne by my miniſtery to introduce Popery into England, I ſhall moſt humbly crave your Lordſhips patience in giving me leave to clear thoſe two great miſunderſtandings, which if they were true, were ſufficient to render me uncapable of his Majeſties favours, or of the compaſſion of any perſon of honour whatſoever: For the firſt, it is notorious to all the world that having now ſerved his Majeſtie in the place of a Secretary above eight years, I have not added one foot of Land to the inheritance left me by my father, which in Land and

Leaſe

Leaſe was not above 500. pounds *per annum*, a poore and inconſiderable eſtate for a Secretary, and ſuch an one as moſt Secretaries have more than trebled in a ſhort time; for my manner of living, it hath been much under the dignity of a Secretary; and if I had not been very frugall, I could not have ſubſiſted; where then this concealed Maſſe of Treaſurie is (I wiſh thoſe that ſpeak ſo liberally of it) would let me know; for I doe proteſt to God I am utterly to ſeek where to diſcover it, and at this preſent, I am unfurniſhed with monies, that if his Majeſtie cauſe me not to be ſupplied, I am unable to ſubſiſt in theſe parts without expoſing my Family in England to the danger of ſtarving, and yet neither my purpoſe nor inclination is to live otherwiſe here, than in the greateſt obſcurity and cloſeneſſe that poſſibly I may. I aſſure your Lordſhip that thoſe of the Roman party that paſſed my hands by his Majeſties commandement; were poore diſtreſſed creatures, and farre from being able to inrich me, and beſides, how little I have attended my own private, and how freely and like a Gentleman, I hope I may ſpeak the truth without oſtenation, I have done curteſies to all, I wiſh it ſhould rather appeare by the teſtimonie of ſuch as have made uſe of my ſervices, then by mine own. My Father and I have ſerved the Crown of England neare 80. years together, in which time, if a greater eſtate had been raiſed it might well have been juſtified, conſidering the great imployments neer the perſons of Queen *Elizabeth*, King *James*, and his Majeſty that now is, we both have had; and your Lordſhip may believe it (for I avow it upon the faith of a Chriſtian) that it is no more then I have above mentioned, and whether there are not many from leſſe imployments have riſen to be Noblemen, and made their fortunes accordingly, I leave to the world to judge.

For the other ſuſpition of my being a favourer or an advancer of Popery, I proteſt before the Almighty God,

and as I ſhall anſwer at the laſt dreadfull day, that I know no ground for the leaſt ſuſpition thereof, neither am I my ſelfe, nor is any other to my knowledge guilty of the leaſt thought of any ſuch purpoſe; For my ſelf I received my Baptiſme in the Church of England, and I know nothing in the Church of Rome that can win me from that Church wherein I was made a Chriſtian; I doe therefore hold this Church of England, not onely a true and Orthodox Church, but the moſt pure and neer the primitive of any in the Chriſtian world, and this I will be ready to ſeale with my blood, whenſoever there ſhall be occaſion (with this further proteſtation) that if I did not hold it ſo, I would not continue in it for any worldly reſpects whatſoever.

For that which hath paſſed my hands for favor of that party, it hath been meerly *miniſteriall*, as his Majeſty beſt knows, and I muſt be bold to ſay that his Majeſty hath not been deceived by it, but hath received many greater advantages; beſides that, if a Secretary of State ſhould not hold intelligence with the party, is abſolute to diſable him for the ſervice of the State, and that hath been done alwaies more or *leſſe*, and ſo muſt alwaies continue, Kings and their Miniſters of State, have ever had, and might ever have a Latitude according to time and occaſion, and cannot be ſo tied according to *ſtrictneſſe* of law as others are, without perill to the government, therefore when the Roman party were practique and *buſie* about the State, there was reaſon to be more ſtrict, but now by the wiſedome of the Queen and her good Officers, they are better tempered, leſſe ſeverity hath been uſed, it being the prerogative of the Prince to uſe moderation according to accuſation: further than this I have not had to doe with the Roman party, nor thus far but in obedience to my Maſters commandement, which I hope ſhall not be cenſured a crime, this being my condition; I moſt hum-

humbly ſubmit it to your Lordſhips wiſdome and goodneſſe, and ſeeing there is no malignity in it, nor prejudice to the ſtate, That your Lordſhip would vouchſafe me your favour and protection, and preſerve me from periſhing.

Callis, January 11. 1640.

Your Lordſhips moſt humble and faithfull, though much diſtreſſed ſervant,

Fran. Windebanck.

The Lord *Andevers* ſpeech concerning the pacification, the 6 of March.

My Lords,

I Did lately move your Lordſhips that the breach of the *pacification* might be ſpeedily reviewed, as the *unum neceſſarium*; and truly my opinion at that time is yet nothing altered, although upon better thoughts (*me thinks*) it would firſt be known who did actually engage us in theſe fruitles diſſentions, and ſo derive the miſchiefe from ſome originall. For *my Lords*, the kingdome cannot now long ſtand at gaze or undergoe new burthens.

Wherefore what is to be done (if you intend it ſhould proſper) muſt preſently receive life from the whole people, otherwiſe we ſhall expire in a dream; and when the ſucceſſe differs from expectation, it is not enough to

ery, *quod non put aram.* *My Lords*, the wiſeman ſaies, there is a proper ſeaſon for all things under the Sun, and we often finde the experiment in naturall bodies, which are voluntarily weakned, to recover ſtrength, yet with a reſtriction to ſuch bounds, and limits, as the Phyſitian preſcribes himſelf; and truly, I think it is your Lordſhips caſe at this point, either to conſider what ſhould further be done then is already, or elſe how to get out of thoſe labyrinths we now are in, leſt the words of the Pſalmiſt come home to our ſelves, *Vendidiſti populum ſine pretio.*

My Lords, I am confident the Houſe of Commons doth throughly ſee, both into the prejudice, and vaſt expence that theſe two armies lay upon the land, and undoubtedly ſo many Gentlemen of worth, as ſit there, will have tender eyes upon the Commonweale. It will therefore become your Lordſhips to ſecond them in your way, and whileſt they apply to publique wounds, the care of this houſe may ſearch the inteſtines, for if they be not cleanſed, it will be but a ſuperficiall Cure, and break out againe.

My Lords, it ſeems the Earle of *Strafford*, and the Archbiſhop of *Cant.* have gone the high waies of iniquity, and every one knows how to trace them, but Mines under ground are moſt conſiderable, which (unleſſe they be likewiſe found out) may at any time ſpring and ſupplant the whole fabrick of all our labours. Let us then examine this fantaſtick warre *ab initio*; leſt, as the Duke of *Burgundy* made a few Sheepskins the cauſe of his quarrel, ſo we ſhall find thoſe ſheets of paper, ſent under the name of a *Liturgy*, and book of *Canons*, were but the *Mopſas* of the ſtory to divert our eyes from the main deſigne.

Therefore my humble motion ſhall be for a ſelected Committee of no great number, who may have power from the Houſe to begin *ab origine mali*, reviſe every mans negotiations, who was either an Actor or Counſel-

ſellor ſince the firſt appearance of thoſe troubles in *Scotland*, and that they may examine the *Scottiſh* Counſell upon ſuch Articles, as the heavy preſſure of this Kingdome ſhall upon common fame adminiſter unto them.

By the Major.

The Order of the Houſe of Commons to the Lord *Major*, for the due obſerving the Sabbath day.

IT is this day ordered by the Houſe of Commons, the Aldermen and Citizens that ſerve for the City of *London*, ſhall intimate to the Lord *Major*, from this Houſe, that the Statutes, for the due obſerving of the Sabbath be put in execution. And it is further ordered that the like intimation from this Houſe be made to the Juſtices of Peace in all the Counties of *England* and *Wales*. And the Knights of the Shire of the ſeverall Counties, are to take care that the Copies of this Order be accordingly ſent to the Juſtices of Peace in the ſeverall *Counties*.

FOaſmuch as the Lords Day, commonly called Sunday is of late much broken and prophaned by a diſorderly ſort of People in frequenting Taverns, Ale-houſes, and the like, and putting to ſale victuall and other things, and exerciſing unlawfull games and paſtimes, to the great diſhonor of God, and reproach of Religion, whereof

whereof the Houſe of Commons now aſſembled hath been pleaſed to take notice, and by their order, intimation hath been given unto me, that the Statutes for the due obſerving of the Sabbath be put in execution. Theſe are therefore in his Majeſties name to will and require you forthwith, upon the ſight hereof, that you give ſtrict charge and command unto all and every the Churchwardens and Conſtables within your Ward, that from henceforth they doe not permit or ſuffer any perſon or perſons, in the time of divine ſervice or at [illegible] ther time upon the Sunday, to be drinking or playing in any Tavern, Inne, Tobacco-ſhop, Ale-houſe or other victualling houſe whatſoever, nor ſuffer any Fruiterer, Milkwoman, or Hearbwomen to ſtand with fruit, milk, herbs, or any other Victuall or Wares, in any the ſtreets, lanes, or allies within your ward, or any other wayes to put thoſe things or any other to ſale upon the Sunday at any time of the day or in the evening, not to permit or ſuffer any Perſon or Perſons to uſe or exerciſe upon that day any unlawfull exerciſes and Paſtimes within your ward, and that expreſſe charge be given to every keeper of any Tavern, Inne, Cookshouſe, Tobacco-houſe, Alehouſe, or any other tipler or victualler whatſoever within your ward, that hereafter they receive not or ſuffer to remain any perſon or perſons whatſoever as their gueſts or cuſtomers to tiple, eate, drinke, or take Tobacco in their houſes upon any Sunday, other then that Inholders may receive their ordinary gueſts, or Travellers and ſuch like, who come to remain for a time in ſtheir Inne for diſpatch of their neceſſary buſineſſe. And if any perſon or perſons ſhall be found offending in the premiſſes, that then they be brought before me the Lord *Major*, or ſome other of his Majeſties Juſtices of Peace, to the end they may receive ſuch puniſhment as to juſtice ſhall appertaine. And hereof not to faile, as you will anſwer the contrary at your perill.

This thirteenth of *April*. 1641.

Occaſionall Speeches, made in the House of Commons, this Parliament. 1641.

Concerning Religion. Novemb. 12. 1640.

Mr. SPEAKER,

IT was well obſerved by my Lord Keeper, that a multiplying Glaſſe may deceive; but the right Engliſh Glaſſe of the Common-wealth, never. In which I diſcern ſo comely and active a Motion, that out of all queſtion, ſome great work is here to be done, ſome thing extraordinary is here to be decreed; or elſe God and the King beyond all our expectations, at the laſt breath, would never ſo ſoon have cemented us again, to meet in in this great Councell.

Mr. *Speaker*, What an happy ſight will it be to ſee the King and his People accord? A threefold cord is not eaſily broken; and I hope King *Charles* his threefold Kingdomes ſhall never be ſo divided, as to breake in peeces.

Mr. *Speaker*, God knows, the diviſions of great Britain have halfe untwiſted our long Union; and I feare that God is angry with our Nationall lukewarme temper: The zeale of his houſe hath not kindled that flame

in our hearts; which our ſeeming good actions, have blown abroad; much like the walking of a Ghoſt, or liveleſſe body which affrights many, but pleaſeth no beholder. *Omnia honeſta opera, voluntas inchoat*; It is the heart or will which gives the beginning to every good action; and I hope our conſtant reſolutions will be to ſettle religion in his ſplendor and purity, by pulling *Dagon* from the Altar; and whipping the Buyers and Sellers out of the Temple; *Pars prima bonitatis eſt velle fieri bonum.* The firſt part of goodneſſe is to have the will of being good.

God knows all our hearts, and takes notice of our inward reſolutions, and for what ends we come hither, if to propagate and advance his glory and Goſpel, bleſſed ſhall this Parliament and Nation be, and then moſt happy we, whoſe God is the Lord, all things ſhall work together for our good. For Mr. *Speaker*, he that turns the hearts of Kings like the rivers of waters, will make the King and his kingdomes all of one mind: Long live King *Charles* the Great, and his numerous Royall Iſſue, to defend the true faith, which will protect and keep him and his, ſafe in his fathers Throne. Never King gave more full content to his people, than his Majeſty now hath done, and I hope never ſubjects came with better hearts and affections to their King and Countrey then we doe: let it then appeare M. *Speaker*, by our outward actions and practiſe, that our inward obedience both of heart and hand, is true, loyall, and currant coyn, not falſe nor counterfeit; for, *Nemo veraciter dicit, volo, qui non facit illud quod poteſt*; no man truly ſaies, I am in will and heart reſolved, unleſſe according to his ability, he endeavor to perform his reſolution, which, to ſpeak the hearts of us all in this renowned Senate, I am confident, is fully fixed upon the true reformation of all diſorders & innovations in Church or religion, and upon the well uniting, and cloſe rejoynting

of

of the now diſ-located great Brittaine: For let me tell you Mr. *Speaker*, that, God be thanked, it is but out of joynt, and may be yet well ſet, by the skilfull Chirurgions of this Honorable Houſe, to whoſe loving and Chriſtian care, and to whoſe tender and upright hands I leave it, onely with this Aviſo, let brotherly love continue, and be conſtant and of good courage; for the keeper of *Iſrael*, who neither ſlumbers nor ſleeps, who delivered us from *Romes November* powder-blaſt, will no doubt ſtill preſerve his Annoynted our gracious King, and us his loyall Subjects from all dangers of fire, or ſword; For, *Si Deus nobiſcum, quis contra nos?*

Upon the Scotch Treaty.

January 21. 1640.

Mr. Speaker,

THere is no malady more deſtructive to the naturall, or politick body, than the *mal Caduque*, or falling ſickneſſe, nor is there any Phyſitian or compound more to be eſteemed than that which can cure it in either. M. *Speaker*, this unknown remedy, if we be wiſe to apply it, and take the receipt with all the ingredients, without any ſcruple of diſtaſt; I am confident the recovery will be perfect, and the whole body of great Britaine ſafe and ſound. Mr. *Speaker*, the happy Union of *Scotland* and *England*, hath thus long ever ſince flouriſhed in interchangeable bleſſings of plenty, and mutuall love and friendſhip. But of late by what fatall diſaſters, and dark underminings we are divided, and ſevered into

Scotiſh and Engliſh Armies; let their well compoſed preambles ſpeake for mee, which I wiſh were printed as an excellent embleme of brotherly love, that diſcovers who hath wounded us both, and how each ſhould ſtrive to help the other in diſtreſſe, ſeeing their and our Religion and Lawes lie both at ſtake together. Thinke of it what you will, (Noble Senate) their ſubſiſtence is ours, we live or die, riſe or fall together. Let us then finde out the *Bonefaux* of this Prelaticall warr, and make them to pay the ſhot for their labour, who no doubt, long for nothing more than that we ſhould breake with them, who worſhip but one God, and ſerve but one *Maſter* with us: Nor need we feare that they intend to diſpoſſeſſe the Engliſh of their inheritance or freehold, being ready to withdraw their forces upon reaſonable terms, referring their demands of reparation for loſſes, to the juſtice and courteſie of this Houſe, which I aſſure my ſelf will give both a bountifull, cheerfull, and ſpeedy ſupply in this caſe of neceſſity; for, *Bis dat, qui citò dat*, is the beſt motto, or motion at this time.

Upon the Impeachment of the Lord Strafford, and Canterbury, &c. February 26. 1640.

Mr. *Speaker*.

I Take it we have now ſate in this great Councell 15. or 16. weeks, a longer time than any Parliament hath done theſe many yeers; God hath given us a faire and bleſſed opportunity, if we lay hold of it; and call to

minde

minde the beſt Motto for a Parliament, which is, *Non quam diu, ſed quàm benè.*

Mr. *Speaker*, We have had thus long under our Feathers many Eſtriges Egges, which as ſome obſerve are longeſt in hatching, but once hatched, can digeſt Iron; and we have many Irons in the fire, and have hammered ſome upon the anvill of juſtice into nayles; but we have not ſtruck one ſtroak with the right hammer, nor riveted one nayle to the head.

Mr. *Speaker*, God forbid we ſhould be cruell or vindicative to any; but let us take heed we be not ſo to our ſelves, and them that ſent us; if we doe not mend our pace, and ſo run as we may obtaine.

Mr. *Speaker*, I hope we ſhall make good the work we have undertaken, and win that prize and goale we aime at; elſe if we faile in this our purſuit of juſtice, it is time to look about us: for then I feare that we our ſelves ſhall hardly ſcape ſcot-free. It will not be our fixe Subſidies that will help us, unleſſe we be good husbands, and cut off all ſuperfluous charges, disband all needleſſe Armies, and diſ-arme all Papiſts, and baniſh all Prieſts, and Jeſuits; and then we ſhall thrive and proſper.

Provided alwayes that we deny our ſelves, and truſt not too much in the arme of fleſh, but be carefull to preſerve brotherly love and concord, leſt diſcord and faction break, divide, and ruine us: but I hope God will make us all of one minde and one publick ſpirit, that as we are deſcended from that ancient and noble Engliſh quiver, we may prove our ſelves a right ſheafe of Engliſh Arrows well united, well feathered, and ſharply piled for publick uſe, ſtoutly to defend and preſerve the publick good and ſafety of this famous Iland of great Britaine, and that is my humble prayer and motion.

Upon the Straffordian knot.

March 10. 1640.

Mr. *Speaker*,

IN this great and waighty cauſe, we ought ſeriouſly to conſider,

Firſt, what we our ſelves have done already in the accuſation and impeachment of this great Earle, of high Treaſon.

Secondly, let us remember what we now are, not only Parliament men, but publick men, and Engliſh-men.

As Parliament men, let us follow the ſteps of our anceſtours, and be conſtant to that rule of Law which was their guide, and ſhould be ours.

As publick men, forget not whom we here repreſent, and by how many choſen and truſted.

As Engliſh men let us call to minde the undanted ſpirits, & ſtout hearts of thoſe ancient Heroes, from whom we are deſcended, how free they were from Puſillanimity, and how they ſcorned all Flattery, and Slavery; let us then now or never, Mr. *Speaker*, ſhew the ſame blood runs in our veines.

Thirdly, let us be well adviſed what to doe, if in caſe we ſhall be denied juſtice in this particular, upon which depends not only the happineſſe, but the ſafety of this Parliament, of this Kingdome, of our ſelves, and of our Poſterities: and this is my *Aviſo*.

Upon

Upon the ſame Subject.

Aprill 9. 1641.

Mr. *Speaker*,

TRuth is the daughter of time, and experience the beſt Schoolmaſter, who hath long ſince taught many men and eſtates the ſad and woefull effects of an half-done worke; thoſe convulſions and renting paines, which the body of great Britain now feels, ſhews us that the ill humours and obſtructions are not yet fully purged, nor diſſolved.

Mr. *Speaker*, God will have a through work done; if in ſtead of redreſſing evils, we think to tranſact all, by removing of perſons, and not things, well may we huſh our troubles for a ſeaſon, but they will returne with a greater violence.

For believe it, Mr. *Speaker* (let us flatter our ſelves as we pleaſe) a dim ſighted eye may ſee, that although we thinke we have now paſſed the equinoctiall of the *Straffordian* line, and ſeem to have gone beyond *Canterbury*; yet their faction and undermining agents (of all Religions) grow daily more and more powerfull; and no doubt doe labour an extirpation of all Parliaments, and men that will not think, ſay, and ſwear to their opinions and practice.

Have we not then, Mr. *Speaker*, a wolfe by the eares? is there any way to goe Scot-free, or wolfe-free, but one? then let us take, and not forſake, that old Engliſh Parliamentary Road, which is *Via tuta*, and will bring us ſafely to our journeys end: that is my humble motion.

A ſeaſonable motion for a loyall Covenant

May 3. 1641.

Mr. *Speaker*,

IF ever we intend to perfect and finiſh the great works we have begun, and come to our journeys end, let us take and follow the right way, which is *Via tuta*; and that is in a word to become holy Pilgrims, not Popiſh, and to endeavour to be loyall Covenanters with God and the King; firſt binding our ſelves by a Parliamentary and Nationall Oath, (not a Straffordian, nor a Prelaticall one) to preſerve our Religion entire and pure, without the leaſt compound of Superſtition, or Idolatry: next, to defend the defender of the Faith, his Royall perſon, Crown, and dignity, and maintain our Soveraigne in his glory and ſplendor, which can never be Eclipſed, if the ballance of juſtice goe right, and his laws be duly executed.

Thus doing, Mr. *Speaker*, and making Jeruſalem our chiefeſt joy, we ſhall be a bleſſed Nation, and a happy People. But if we ſhall let goe our *Chriſtian* hold, and loſe our Parliament *proofe*, and old Engliſh well-tempered mettle: Let us take heed that our Buckler break not, our Parliaments melt not, and our golden Candleſtick be not removed; which let me never live to ſee, nor *England* to feele the want of: that is my prayer conclude my former motion.

Mr.

Mr. *Hides* Argument before the the Lords in the upper Houſe of Parliament, *April.* 1641.

MY Lords, I am commanded by the Knights, Citizens, and Burgeſſes of the Houſe of Commons to preſent to your Lordſhips a great and crying grievance, which though it be complained of in the preſent preſſures, but by the Northern parts, yet by the Logick and Conſequence of it, it is the grievance of the whole Kingdome. The Court of the Preſidents, and Councell of the North, or as it is more uſually called, the Courts of York, which by the ſpirit and ambition of the Miniſters, truſted there, or by the naturall inclination of Courts to enlarge their own power and juriſdiction, hath ſo prodigiouſly broken down the bankes of the firſt Councell, in which it ran, hath almoſt overwhelmed that Countrey under the Sea of Arbitrary power, and involved the people in a Labyrinth of diſtemper, oppreſſion and poverty.

Your Lordſhips will give me leave not with preſumption to informe your great underſtandings, but that you may know what moved the Houſe of Commons to their reſolutions to remember your Lordſhips of the foundation, and erecting this Court, and of the progreſſe and growth of it.

Your Lordſhips well know, that upon the ſuppreſſion of all religious houſes to ſuch a value in the 27. yeere of *H.* 8. from that time to the thirtieth yeare of that Kings raigne, many (not fewer than ſix Inſurrections)

and Rebellions were made in the Northern parts, under pretence of that quarrell, moſt of thē under the cōmand of ſome eminent perſon of that country, the which being quieted before the end of the 13. year, that great King well knowing his own minde, and what he meant to doe with the great Houſes of Religion; in the year following for prevention of any inconvenience that might enſue to him upon ſuch diſtemper, in the 31. year of his reign granted a Commiſſion to the Biſhop of *Landaffe*, the firſt Preſident, and others for the quiet government of the County of *Yorke*, *Northumberland*, *Cumberland* and *Weſtmoreland*, the Biſhoprick of *Durham*, the County of the Cities of *Yorke*, *Kingſton* upon *Hull*, and *New-Caſtle* upon *Tyne*. But my Lords this Commiſſion was no other then a Commiſſion of *Oyre* and *Terminer*, only it had a clauſe at the end of it, for the hearing of all cauſes reall and perſon, *quando amba partes, vel altera pars ſit gravata paupertate fuerit, quod quomodo vis ſuum ſecundum legem Regni noſtri, aliter perſequi non poſſit*, which clauſe how illegall ſoever, for that it is illegall and void in Law, little doubt can be made, yet whether they exerciſe that part of the Commiſſion at all, or ſo ſparingly exerciſed it, that poore people found eaſe and benefit by it, I know not; but at that time I finde no complaint againſt it, till the comming in of King *James* the Commiſſion continued ſtill the ſame, and that in the firſt year of his Reigne to the Lord *Sheffeild* varied no otherwiſe from the former ſame, onely it had reference to Inſtructors which ſhould be ſent, though any new ſent or no is uncertaine, but we can finde none.

In *June*, in the ſeventh yeare of the Reigne of King *James* a new Commiſſion was granted to the ſame man (the Lord *Sheffeild*) very differing from all that went before, it being left out, that they ſhould enquire *per ſacramentum bonorum & legalium hominum*, and to heare and determine *ſecundum leges Angliæ*; Relation being had only

only to the inſtructions which were the firſt inſtructions, we can finde were ſent thither, though I told your Lordſhips there were ſome mentions of ſome In 1. *Jac.* I ſhall not trouble your Lordſhips with theſe Inſtructions, nor with the other that followed in 14. *Jacobi* to the ſame man, nor in 16 *Jacobi*, when a new Commiſſion was granted to my Lord *Sunderland*, nor indeed with any till we come to theſe preſent Inſtructions, and Commiſſions under which that part of the Kingdome groans and languiſheth.

My Lord of *Strafford* came to that government in *Decemb.* 4. *Caroli*, and ſince the Commiſſion hath been three ſeverall times removed, in the fift year in *March*, in the eighth in *Novemb.* in the thirteenth year of his Majeſties reigne into that Commiſſion of 8. and 13. a new clauſe ſerved in for the granting, ſequeſtring, and eſtabliſhing Poſſeſſions according to inſtructions, crowded in a Maſſe of new exorbitant and intolerable power, though our complaint be againſt this Commiſſion it ſelfe, and againſt the whole body of thoſe inſtructions: I ſhall not miſpend your Lordſhips pretious time in deſiring to have the whole read, but ſhall preſume to trouble your Lordſhips only with five or ſix of the inſtructions, that by the vaſt irregularity of thoſe your Lordſhips may judge, how inſupportable the whole burthen is. I ſhall not trouble your Lordſhips with the nineth Inſtruction, though it be but ſhort, which introduceth that, *miſeram ſervituiem, ubi jus eſt vagum, & incognitum*, by requiring an obedience to ſuch ordinances; and determinations, as be or ſhall be made by the Councell Table, or high Commiſſion Court. A grievance my Lords, howſoever *conſuetudo & peccantum claritas nobilitaverit hanc culpam*, of ſo tranſcendent a nature, that your Lordſhips noble Juſtice will provide a remedy for it, with no leſſe care, then you would reſcue the life and blood of the Common-wealth.

Read the 19. 22, 23, 24. 29. and 30: I will not trouble your Lordſhips with reading more, there being among them in the whole 58. Inſtructions, ſcarce one that is not againſt, or beſides the Law.

Whether His Majeſty may caution out a part of his Kingdome to be tryed by Commiſſion, though according to the rules of Law, ſince the whole Kingdome is under the Laws and government of the Courts eſtabliſhed at *Weſtminſter*, and by this reaſon the ſeverall parts of the kingdome may be deprived of that priviledge; will not be now the queſtion; that his Majeſty cannot by Commiſſion erect a new Court of Chancery, or aproceeding according to the rules of the Star-chamber, is moſt cleare to all who have read *Magna Charta*; which allowed no proceedings, *niſi per legale judicium Parium [illegible] legem terræ*: for our Court of Chancery here by long uſage and proſcription is grown to be as it were *lex terræ*. But my Lords, the thirtieth Inſtruction goes further, and erects ſuch an Empire, ſuch a Dominion, as ſhall be lyable to no contrary.

The Courts of *Weſtminſter*, my Lords, have ſuperintendences over all inferiours Courts to regulate their juriſdictions, if they exceed their limits. As to hold Plea of greater value, or the like in his exerciſe of Juriſdiction, the Judges are ſworn to grant, and ſend prohibitions, and to ſtop the granting of theſe prohibitions, or to neglect them, when they are granted, is the greateſt and boldeſt ſcorn of the Law, and the Law-makers that can be imagined.

The Kings Courts at *Weſtminſter*, having been alwaies of that awfull and reverent eſteem, with inferiour Judges, that the inſtances of ſuch contempts againſt them are very rare and exemplary in the puniſhment.

The Biſhop of *Norwich* in Trinity Term, in the twentieth year of *Edward* the third, in *Rot.* 289. in the com-

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mon Pleas in *Hilary* Terme 21. in the Kings Bench, was attached for diſobeying a Prohibition at the ſuit of *Stracill*, upon full and ſolemne diſſenſion of the whole matter, the Court reſolved, that the proceedings of the Biſhop were *inobedientiam & diminutionem Domini, & poteſtatis Regiæ authoritatis ſuæ leſionem & coronæ ſuæ exhereditationem manifeſtam, &c.* As the words of the Records are, and therefore adjudged the temporall tyes of the Biſhop to be ſeiſed into the Kings hand, and great, very great dammages to be paid to Plaintiffes: And whoſoever gave directions for theſe ſtout Inſtructions, might have remembred that no longer ſince then *Michaelmas*, in the ſeventh year of *Eliz. Rot.* 31. an Attachment was granted againſt the Archbiſhop of *Yorke* then Preſident of that Councell, for forbidding the Goaler of *Yorke* to deliver one *Lambert* his Priſoner, who was ſent for by a *habeas corpus* from the Kings Bench; and if they would have believed the reſolution of all the Judges in *England*, in Trinity Term, in the 6 yeare of King *James*, they would have known how unfit it had been to enlarge that Juriſdiction, ſince moſt of their proceedings being of an inferiour nature to what they are now grown, were then declared to be illegall and inconſiſtent with the liberty of the Subject.

And can ſuch a Court, as this my Lords, deſerve to live? what a compendious abridgement hath *Yorke* gotten of all the Courts in *Weſtminſter* Hall? whatſoever fals within the cognizance, or juriſdiction of either Courts here, is compleatly determinable within that one Court at *York*, beſides the power it hath with the Eccleſiaſticall and high Commiſſion Courts.

What hath the good Northern people done, that they only muſt be diſfranchiſed of all their priviledges by *Magna Charta*, and the Petition of Right; for to what purpoſe ſerve theſe Statutes, if they may be fined and impriſoned without Law, according to the diſcretion of the

commiſſioners? what have they done, that they, and they alone of all the people of this happy Iland muſt be diſinherited of their birth-right, of their Inheritance? For prohibitions, writs of *Habeas Corpus*, writs of errour are the birth-right, the inheritance of the Subjects.

And 'tis here worth your Lordſhips obſervation, that to thoſe many prohibitions, which have been granted from above, for till of late, the Court of *Yorke* had not the courage to diſpoſe prohibitions, nor indeed till our Courts here, had not the courage to grant them. 'Twas never known, that Court pleaded the Juriſdiction of their Councell, which without doubt they would have done upon the advantage of many great perſons, in whoſe protection they have alwayes been, had they not known the Law, could not be miſinterpreted enough to allow it.

Your Lordſhips remember the directions I mentioned of *Magna Charta*, that all proceedings ſhall be *per legale Judicium Parium, & per legem terræ*, now theſe Juriſdictions tell you, you ſhall proceed according to your diſcretion, that is, you ſhall doe what you pleaſe, onely that we may not ſuſpect this diſcretion will be gentler and kinder to us then the Law, ſpeciall provision is made no fine, no puniſhment ſhall be leſſe then by the law is appointed, by no means, but as much greater, as your diſcretion ſhall think fit; and indeed in this improvement we find, Arbitrary Courts are very pregnant: if the Law require my good behaviour, this diſcretion makes me cloſe Priſoner, if the Law ſets me upon the Pillory, this diſcretion appoints me to leave my eares there.

But this proceeding according to diſcretion is no new expreſſion, 'twas in the firſt Commiſſion I told your Lordſhips of in the 31. *Hen.* 8. that they ſhould proceed *ſecundum legem & conſuetudinem Regni Angliæ, vel aliter ſecundum ſanas diſcretiones veſtras*, which in the interpretation of the Law, and that is the beſt interpretation

cation, ſignifies the ſame thing, to proceed according to diſcretion, is to proceed according to Law, which is *ſumma diſcretio*, but not according to their private conceit or affection: For *talis diſcretio* (ſaies the law) *diſcretionem confundit*: and ſuch a confuſion hath this diſcretion in theſe Inſtructions produced, as if diſcretion were onely removed from rage and fury: no inconvenience, no miſchiefe, no diſgrace, that the malice, or inſolence, or curioſity of theſe Commiſſioners had a minde to bring upon that people, but through the latitude and power of this diſcretion the poore people have felt, this diſcretion hath been the quickeſand which hath ſwallowed up their properſy, their liberty: I beſeech your Lordſhips reſcue them from this diſcretion.

Beſides, the charge that this Court is to his Majeſty, which is neer 1300. l. *per annum*, your Lordſhips will eaſily gueſſe, what an unſupportable burthen the many officers (whoſe places are of great value) the Atturnies, Clarks, Regiſters, and above 1000. Sollicitors that attend the Courts, muſt be to that people (inſomuch) that in truth the Country ſeems to be divided into officers and dependants upon that Court: And the people upon whom theſe officers of that Court prey and commit rapines, as he ſaid in *Petronius*, *Omnes hic aut captantur, aut captant; aut cadavere quæ latereuntur, aut corni quæ laterunt.* Truly my Lords, theſe vexed worn-people of the North are not ſutors to your Lordſhips, to regulate this Court, or to reform the judges of it, but for extirpating theſe Judges, and the utter aboliſhing this Court; they are of *Catoes* minde, who would not ſubmit to *Cæſar* for his life, ſaying, he would not be beholding to a Tyrant for injuſtice, for it was injuſtice in him to take upon him to ſave a mans life, over whom he had no power.

So theſe Gentlemen deſire not to be beholding to this Court hereafter for injuſtice. The very adminiſtra-

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tion of injuſtice, founded upon ſuch illegall principles being a grievance and oppreſſion to the ſubject.

Firſt upon the whol matter the Houſe of Commons is of opinion, that the Commiſſion and Inſtructions whereby the Preſident and Councell of the North exerciſe a Juriſdiction, is illegall, both in the creation and execution.

Secondly, that it is improfitable to his Majeſty, for beſides ſo much, neer thirteen hundred pound taken out of his Majeſties revenues every year, his Majeſty loſeth the great benefit would accrew to him upon writs and upon Fines, upon Out-laws, and other profits, which redound to his Majeſty out of his Court here.

And which I had almoſt forgot to tell your Lordſhips of, that his Majeſty may be ſure to have benefit from that Court notable care is taken, by the fifty three Inſtructions, And if any money remaines over and above all diſburſements, it ſhall be beſtowed in providing Houſhold-ſtuffe, and furniture for the houſe, where the Lord Preſident and Councell uſe to be.

And laſtly, that it is inconvenient and grievous to His Majeſties ſubjects of thoſe parts.

And therefore they are humble Sutors to your Lordſhips, and the houſe of Commons, on this behalfe, that ſince this people doe, and have, in all matters of duty and affection contend with the beſt of His Majeſties ſubjects, that they may not be diſtinguiſhed from them in the manner of His Majeſties Juſtice and protection, ſince this Court originally inſtituted & continued by his Majeſty, for the eaſe and benefit of his ſubjects, is apparently inverted to the burthen and diſcomfort of them, that your Lordſhips will joyn with the Houſe of Commons in beſeeching His Majeſty, that the preſent Commiſſion may be revoked, and no more ſuch granted for the future.

A Speech of Maſter *John White* Counſellour, concerning Epiſcopacy.

EPiſcopacy as it ſtands in this kingdom, comprehends in it *in linea recta*, theſe foure degrees, the Deacon, the Presbyter, the Biſhop and the Archbiſhop, Every Archbiſhop wades through every of theſe ordinarily.

Of the firſt and laſt we have no *veſtigium* in the holy ſcriptures. This Deacon may Preach and Baptize & help the Presbyter to adminiſter the Lords Supper, but may not conſecrate the Elements in the Lords Supper: contrary to the Scriptures, by which Preach and Baptize, is a full Commiſſion for the exerciſe of all the miniſteriall function. *Mat.* 28. 19. Book of ordering of Deacons.

The Deacon mentioned in holy Scripture, is the ſame in Office with our Church-warden, to looke to the Church goods and the poore, *Acts* 6. 1 *Tim.* 3.

The Presbyter is of all hands acknowledged to be, *Jure Divino*.

The Biſhop is conſiderable in reſpect of his trayn, and ſecondly, in reſpect of himſelf.

His trayn are theſe, firſt the Dean and Chapter (called Prebends, *quia præberent auxilium Epiſcopo*,) and were originally ordained for his Counſell to adviſe him in difficulties in Religion, and to adviſe him in, and conſent unto his diſpoſitions of his poſſeſſions, *Cok. r.* 3. Dean and Chapter of *Norwiches* caſe.

Secondly, the Archdeacon is the *oculus Epiſcopi* to diſcover and puniſh offences ſpirituall and Eccleſiaſticall

within his limits, & *manus Epiſcopi*, to preſent unto him ſuch as are to be made Deacons and Presbyters, and to induct ſuch as he admits and inſtitutes into Benefices.

Thirdly, his Chancellors, Vicars Generall, Commiſſaries, Officials, Surrogates, Regiſters, Promotors, and others belonging to his Cathedrals.

Theſe be all meerly humane, and may be taken away without offence to God or conſcience, if there appeare juſt cauſe for it.

The Biſhop in reſpect of himſelfe is conſiderable in his Barony and temporalties, and his ſpiritualties.

Caſe of tenures 39. 8. The firſt, is meerly *Ex gratia Regis*, and in this kingdome began 4. of *William* the Conquerour: And by vertue hereof, they have had place in the houſe of Peers in Parliament. 7. *H.* 8. 1846. *Kel.* it is reſolved by all the Judges of *England*, that the King may hold his Parliament by himſelfe, his temporall Lords and Commons, without any Biſhop, for a Biſhop hath not any place in Parliament by reaſon of his ſpiritualties, but meerly by reaſon of his Baronry, and accordingly acts of Parliament have been made, 2 *Rich.* 3. *cap.* 3. and at divers other times.

They have uſurped the name of Spirituall Lords but of late, and were firſt called ſo 16 *Rich.* 2. *c.* 1. in our Statutes.

By his ſpiritualties, I mean thoſe wherein he is more then a Presbyter, and therein I conſider his authority over Presbyters by the Oath of Canonicall Obedience, by which he may command them to collect tenthsgranted in Convocation, &c. 20 *Hen.* 6. 13. *p.* 25.

Secondly, his Office which is partly Judiciall, and partly miniſteriall; Judiciall, by which he is Judge in his Courts of all matters Eccleſiaſticall and ſpirituall within his Dioceſſe, *Cok. Rep.* 8. *Trollops. C.* Secondly, he is Judge of the fitneſſe of ſuch as are preſented unto him to be inſtituted into Benefices, *Cok. rep.* 5. *Specots. cap.*

Mi-

Miniſteriall, and thereby he is to Sacred places Dedicate to Divine Service, 9. H. 6. 17. *pag.* 8. Secondly, he is to provide for the officiating of Cures in the avoydance of Churches on neglect of the Patrons, preſenting thereunto. Thirdly, he is to certifie loyall Matrimony, generall baſtardy and excommunication. Fourthly, to execute Judgements given in *quare impedit*, upon the writ *Ad admittendum Clericum*, and other, &c.

Fiftly, to attend upon tryals of life, to report the ſufficiency or inſufficiency of ſuch as demand Clergy. Sixtly, to ordaine Deacons and Presbyters.

All theſe I conceive to be *Jure humano*, given to theſe Biſhops, and may upon cauſe be taken away from them.

Biſhops have been in the Primitive Church, and are Apoſtolicall and from the beginning. *Ob.*

To this I anſwer, firſt, that in the pure primitive times of the Church the Hiſtory whereof is recorded in the Acts and Epiſtles of the Apoſtles, (in which the firſt and beſt patterns of Church government is expreſſed) there is no mention of other Biſhops then the Presbyters, as appeares. *Sol.*

Firſt, the holy Scriptures declare the duties and office of Presbyters and Biſhops to be one & the ſame. The Biſhop is to teach and rule his Church or Congregation 1 *Tim.* 3. 2. 5. and the Presbyter is to teach and feed his flock, and to overſee, care for, and rule them, 1 *Pet.* 5. 2. 3.

Secondly, the Presbyters are in holy Scriptures, ſaid to be the Biſhops of the holy Ghoſt, *Acts* 20. 28. *Paul* charges the Presbyters of *Epheſus* to take heed to the flock whereof the Holy Ghoſt had made them Biſhops. And other Biſhops the Holy Ghoſt never made.

Thirdly, *Epheſians* 4. 11. God is ſaid to have given to his Church for the perfecting of the Saints, for the work of the Miniſtery, and for the edifying of the body of Chriſt, Apoſtles, Prophets, Evangeliſts, Paſtors and Teachers; here is an expres enumeration of the officers God

hath given, whereof the firſt three are extraordinary and ceaſed: and the laſt only remains, and is to remain untill we all come to perfection, as it is ver. 13. and this perpetuall Officer is called Paſtor, in relation to his flock whom he is to govern in *Spiritualibus*, and Teacher in reſpect of his duty to feed them with the word of truth, and is the very ſame with the Presbyter, as appeares above. *Argumentum à diviſione eſt fortiſſimum.* The Biſhop as he is any more then a Presbyter, is none of theſe, no Officer given by God, and therefore ought not to be in the Church; Chriſt the King of his Church was faithfull in his Houſe, not only as a ſervant, as *Moſes* was, but as the Son in an excellency and eminency, *Heb.* 3.5. and to his kingly Office it pertains to appoint the Officers he will uſe for the government of his Church in *ſpiritualibus*, and it agrees not with his faithfulneſſe to neglect or omit the appointment of them, and leave his Houſe, his Church, without ſuch Officers. He is only wiſe, and therefore beſt knows what Officers are uſefull for his Church, and infinitly loving of his Church, and therefore hath not left her without any Officer fit for her.

Ob. *Titus* in the end of *Pauls* Epiſtle unto him, is ſaid to be the firſt Biſhop of *Crete*, and *Timothy* in the end of the Epiſtles unto him, to be the firſt Biſhop of *Epheſus*.

Sol. Thoſe additions are ſpurious, and no part of the holy Scriptures, and as *Beza* obſerves, are not in many greek ancient copies to be found, and this is ſo evident as it is granted by moſt Divines. 2. And as they be no part of the Scriptures of God, ſo they be apparently contrary unto them, for by them it appears, that they, namely *Titus* & *Timothy*, were Evangeliſts, extraordinary officers, aſſociats and fellow-helpers of the Apoſtles in their generall and Univerſall function, attendant upon them, and ſent by them (as occaſion required) from one Church to another, never keeping any fixed reſidence any where, and if they had been Biſhops of any place,

Perk. upon Gal. 6. *finſine.*

For Tim. See 1 Cor. 4. 17. & 16. 10. Acts 17. 13. 15 19. 22. & 20. 4. 5 1 Theſ. 3. 1. 6. Heb. 13. 25. Coloſ 1. 1. Phil. 1. 1. & 2. 19.

For Titus See 2 Cor. 7. 13. & 8. 6. 16. 23, and 12. 18. Gal 2. 1. 2 Tim. 4. 20. Tim. 1. 5. and 3. 12.

Paul

Paul would never have ſuffered, much leſſe forced them to be non-reſidents.

Saint *John Revel.* 12. 3. writing to the 7 Churches of *Aſia* directs his ſpeech to the Angel of each Church, and in each of thoſe Churches there were then ſeverall Congregations and Presbyters, therefore the Angel was the Biſhop over them. *Ob.* 2.

To this I anſwer, that as Angel is a name common to all Presbyters who are Chriſts Meſſengers and Ambaſſadors: So it appears to be uſed here by the very context cap. 2. v. 10. Where ſpeaking to the Angel of the Church of *Smyrna*, the holy Ghoſt ſaith, *Feare none of the things thou ſhalt ſuffer, the Devill ſhall caſt ſome of you into priſon, but be thou faithfull, &c.* Angel (being *nomen multitudinis*) is taken in theſe chapters collectively for all the Presbyters (ſome of whom the adverſaries ſhould impriſon,) and not for any one above or before the reſt. The ſame appears in the like manner, ver. 13. 23.

Seeing then the Epiſcopacy may be taken away in all, wherein it exceeds the Presbyters office, and that the office of the Presbyter is cleerly *jure divino*; I conceive we are firſt to reſtore the Presbyter to his due, and to him it belongs to teach and feed his flock and to overſee, care for, and rule them in *ſpiritualibus*, *Act.* 20. 17. 1 *Tim.* 3. 2. 5. 1. *Pet.* 5. 2. 3. So ſaith the holy Scripture.

And ſo ſaith our Law alſo. He is to miniſter the Doctrine and the Sacraments, and the diſcipline of Chriſt, as the Lord hath commanded, and as this Realme hath received the ſame according to the commandements of God: See the book of Ordering of Prieſts in the 3. queſtion. And he is called in our Law *Rector Eccleſiæ*, and the words of his inſtitution be, *Tibi Rectorem Eccleſiæ inſtituimus curamque & regimen animarum parochianorum tibi in Domino committimus.*

The Biſhops have taken by uſurpation from the Presbyter divers rights: firſt, contrary to his Ordination

and institutition, they will not ſuffer him to preach in his own Cure without a licenſe.

Secondly, they reſtrain him from preaching ſome doctrines, as of predeſtination and others that overthrow Arminian tenets, when his faithfulneſſe in his Office requires he ſhould keep nothing back, but to ſhew them all the counſell of God, *Acts* 10. 27. Thirdly, they will not ſuffer him to intermeddle in the diſcipline. Theſe uſurpations I conceive are to be taken away, and the Presbyter to be left free from them.

This is read to the Presbyter upon his Ordination, and his charge then given him is remarkable See the booke of ordering Prieſts.

Secondly, for the Epiſcopacy, I conceive, that firſt their Baronies and the intermedling of the Clergy in Civill Councels, affaires, and imployments, ought to be taken from them.

Firſt, I conceive ſuch Bar. and intermedling is againſt the Law of God, Chriſt refuſed to intermeddle in dividing inheritances (though more able and fit for it then any Biſhop) *Luke* 12. 13. and ſaith his Kingdome is not of the world, *John* 18. 36. and the Diſciple is not above his Maſter, *Mat.* 10. 24. and *Acts* 6. The Apoſtles refuſe to intermeddle in the Deacon or Churchwardens office, though of all earthly imployments the neereſt to the Church; and the reaſon they give is remarkable for this purpoſe, becauſe they were to attend to Prayer and Adminiſtration of the word, and therefore not meet for them to attend ſuch ſecular matters, and 2 *Tim.* 2. 4. The Apoſtles laies down a rule in this caſe, that *nemo militans Deo ſe implicat negotiis hujus ſeculi*, and upon this ground, even the Popes Canon-laws are againſt theſe things, as inconſiſtent with the miniſteriall function. And the due execution of the commiſſion, Goe preach and baptize, is of it ſelfe burthen and work enough for any man whatſoever his gifts and parts be, and made *Paul* though of a more excellent and able ſpirit, cry out under the ſenſe of the waight of it, Who is ſufficient for theſe things? 2 *Cor.* 2. 16.

Secondly,

Secondly, it is againſt the fundamentall Laws of this Land, whereby they that are within holy Orders, that they may the better attend upon, and diſcharge their duties, are not to be intangled with temporall buſineſſe, and therefore if any ſuch be choſen to any temporall office, the Law hath ordained a writ to diſcharge them thereof, *Reg.* 187. 6.

Non eſt conſonum quod ille qui ſaluberi ſtatui animarum & piis operibus continue deſervis ad inſiſtendum in ſecularibus negotiis compellatur. vide the writ.

The King may command the ſervice of men in orders, and then it is to be given him by naturall allegiance.

This rule admits two exceptions and both are in this caſe: firſt, except the ſervice from that perſon be againſt the Law of God as here it is, and then it is better obey God then man, *in præſentia majoris ceſſat poteſtas minoris.*

Secondly, if the ſervice concern the Common-wealth, and the perſon of whom it is required, be not ſufficient for it, nor brought up unto it, the command is againſt Law, and the ſervice not to be done; if the King grant the Office of the Clarke of the Crown to one not brought up to it, it is void, and the ſervice not to be intermedled withall by him, 9 *Ed.* 4. 56. *Winters* caſe.

Secondly, that part of the Biſhops ſpirituall office by which he claimeth ſuperiority over Presbyters ought to be taken as I conceive from them as being againſt the will of God.

The Apoſtles queſtioning among themſelves which ſhould be the Superior, are ſharply reproved by our Saviour for it, and he tels them plainly it ſhall not be ſo among them, *Mark* 10. 42. *Luke* 22. 25. and *Diotrophes*, 3 *Joh.* 9. is branded for it, that he ſought preheminence in the Church. The myſtery of iniquity in the Popiſh Hierarchy, in the Presbyters exalting themſelves, began to work in the pureſt primitive times, (as we ſee in *Diotrophes*, and *Peters* caveat, 1 *Pet.* 5. 3.) and never left till it came to the Pope, the higheſt degree and top thereof. By which it ſeems to me evident, that to leave the pattern of Church government ſet down in the word of God,

a The Ca. 4. 7.

God to follow the examples of after ages upon a falſe cry of primitive times, is to forſake the pure fountain, and wallow in the muddy and corrupted ſtreams of antichriſtian ambition.

Thirdly, that part of the ſpirituall office of the Biſhop whereby he is to inſtruct the people committed to his charge, with the holy Scriptures, as upon the 2 queſtion put unto him at his Conſecration, he undertakes to doe, ought (as I conceive) to be reduced to a poſſibility for him to performe it. It is impoſſible for him to doe it to a whole Dioceſſe, therefore he ſhould be limited to ſome particular Congregation, unto which he might perform this truſt, which requires ſufficiency, attendance and diligence.

Fourthly, Ordination in the ſcriptures is ever expreſſed to be by them in the Church, that had authority and were officers in the Church, as Apoſtles, Evangeliſts and after by the Presbytery, 1 *Tim.* 4. 14. 2 *Tim.* 1. 6. And a ſhadow of this remains in our Law, for the Biſhop only is not to lay hands upon the party to be ordained, but the Presbyters there attending are to joyn with the Biſhop therein. This I conceive is not fit to be in the hands of any one ordinary officer in the Church, the diſcerning of the gifts, abilities and faithfulneſſe of perſons to be ordained Presbyters, requiring great judgement, care, and circumſpection. *Plus vident oculi quam oculus.* The like I ſay of deprivation.

Acts 14.23. Titus 1. 5, 6, 7.

Books of ordeing Prieſts.

Fiftly, Excommunication by the Scriptures ought to be only in caſe of enormous offences and obſtinacy in them, and onely in the Congregation whereof the party to be Excommunicate is a member, 1 *Cor.* 5.4. Tell the Church cannot be meant of one man, *Mat.* 18. 17. *Diotrophes* is branded for taking upon him alone to caſt any out of the Church. This alſo abuſed as well as uſurped by the Biſhop is to be reformed.

Sixtly, Inſtitution and induction are uſurped by the Bi-

Biſhops upon the fundamentall Laws of this Kingdome, by which the Patron after his Clerk was ordained, did without any more inveſt him into the Church. See *Selden* of tithes 86. And a relick of this we retain ſtill in Churches that be donatives.

Seventhly, The juriſdiction of tithes, cauſes matrimoniall, and cauſes teſtamentary in the times of the increaſing power of the Pope, when the Biſhops thereby grew more formidable, were taken from the Civill Magiſtrate to whom originally they belonged, upon pretence, that the tithes were *Jure divino*, the Churches patrimony and Mariage a Sacrament, and that the diſpoſing the goods of the dead, moſt properly belonged to him for the good of the ſoule in Purgatory to redeem it thence, to whom the cure of the Soule appertained in his life time, *vide* 2 *R.* 3. *Teſtaments* 4. 11 *H.* 7. 12 *B. Plowden* 279. *B. Foxes c. Cok. rep.* 9. 37. *B. Heuſtoes caſe. Dames rep.* 97. *B. Lalors c. Selden* of tithes, 415.

Eighthly, The matters which are meerly and only ſpirituall, (which are properly of Eccleſiaſticall cognizance) were anciently by the Lawyers of this Kingdome, heard and determined in the County and hundred Courts by the Sheriffe and the Biſhop, and by *William* the Conquerour theſe matters were taken thence and appropriated to the Biſhop alone, 2 *R.* 2. *Rotul.* Parliament, num. 12. *Selden* of tithes 412. Book of Martyrs, 154.

And by the Law of God (as I conceive) they ought to be heard & determined by them that have rule in the particular congregations and Churches, *Mat.* 18. 17. 1 *Cor.* 5. which if it were ſo among us would be a wonderfull eaſe, and ſave great charges to the ſubject.

And where the difficulty of caſe or greatneſſe of the perſons whom it may concern, or where the Governors in particular Congregations demean not themſelves as they ought, it ought to be referred to a Synod of Presbyters, ſo many as ſhall be thought meet, as *Acts* 15. a

queſtion of difficulty ariſing in the particular Church of *Antioch*, and the diſſention growing great about the ſame, they ſent to *Hieruſalem*, and there the Apoſtles and Presbyters convened, debated, concluded, and decreed the matter, and impoſed the obſervation thereof upon *Antioch* and other Churches, ver. 1.2.6. 28. The Apoſtles would not meddle in the queſtion without the Presbyters, and other Biſhops there were none there, nor in the Churches. And *felicius expediuntur negotia commiſſa pluribus*, in the multitude of Counſellors there is ſafety, *Proverb.* 11.14.

And the change of our Laws (in caſe this Houſe ſhall ſee cauſe for it) will not be ſo great or difficult as is conceived by ſome. For ordination, admonition, ſuſpenſion and deprivation of Presbyters, and the judgement of the fitneſſe of perſons to be inveſted into Benefices Eccleſiaſticall, and the care of providing for the ſerving of Cures during the vacancy and avoydance of Churches, and taking of the ſubſcription of Miniſters to the Articles of Religion: and the viſiting of Hoſpitals, whoſe Founders have appointed no viſitors, which are now in the Biſhop, may be ſettled in a convention of Presbyters, to be appointed for every hundred, from whom appeale may be had upon every gravamen to a greater Aſſembly of them, and thoſe Presbyters, or any one of them, may be inabled to give the Oathes of Supremacy and allegeance, where the Biſhop is authoriſed to give the ſame. And Excommunication may be ordered to be certified by the Parſon, Vicar or Stipendary of that Church where the party is excommunicate. And all Churches preſentative, may be filled by inveſture of the Patrons, and all queſtions concerning them be determined by the ſame rules of law as Donatives are, And loyall Matrimony be tryed by a Jury where the woman is party to the ſuit, as now it is where ſhe is not party, ſo *E.* 3. 15. p. 5. 11. *H.* 4. 4. *B.* 30. and as it is now, where the iſſue is

13 Eliz. cap. 12.
14 Eliz. cap. 5.
5 Eliz. c. 1.
7 Jac. cap. 6.

Nient

Vient ſa femme, 12. *E.* 3. Briefe 481. 50. *E.* 3. 15. *B.* 7. *H.* 6. 12. June 35. *H.* 6. 9. P. 10. *Coke* 8. *E.* 4. 12. a *Laton*: And Baſtardy generall & Baſtardy beyond Sea, within the Statute, 25 *E.* 3. *De natis ultra mare*, may be made tryable by Jury, as now ſpeciall Baſtardy is 11 Aſſ. 20. 38. aſſ. 24. 39. *E.* 3. 31. 6. & 7. *Ed.* 6. *Dier.* 79. P. 52. So tithes may be reduced to the Common Law and be ſued for there, as it was ever in the caſe of the King or his Debtor 38. aſſ. 20. *Cok. r.* 5. 16. a *Cawdreis* caſe, and as it is by the Statute of 2 and 3 *E.* 6. cap. 13. And for the Biſhops attendance on tryals of life, it is needleſſe, he being no Judge in it, but the Court, who may appoint any other, or doe it themſelves. And for Sacring of Churches and other dead things, it is fit to be neglected and left off, being a Popiſh vaine ſuperſtition, and without colour of countenance from the word of God, the Leviticall conſecrations being typicall and ſhadows of the good things we enjoy under the Goſpel, *Heb.* 9. 19, &c.

The Biſhop being thus reformed and reduced to a condition and ſtate agreeable to the word of God, the only right rule of reformation:

The Deans, Chapters, Vicars Generall, Chancellors, and the reſt of his Traine, *qua tales* (being *telluris inutile pondus*) are to be removed and taken away alſo as ſuperfluous and uſeleſſe. 25 Exod. 9. 40. 1 Chron. 28. 11. 19. Ezek. 43. 10. 2 Cor. 4 6.

We have intruſted the Epiſcopacy theſe foureſcore and two years with the cure of Soules, a truſt of the higheſt concernment, if we conſider the price of Souls. Our Saviour is at a ſtand in it, *What ſhall a man give in recompence for his Soule?* the price of it is beſt ſeen in the price given for it, God and man muſt become a curſe to redeem it. Mat. 16. 26.

How have they diſcharged this truſt? Survay the Churches throughout the Kingdome, and you ſhall finde neer eight parts of tenne of them filled with Idoll,

idle, or ſcandalous Miniſters, whom the Biſhops might have by law refuſed, if diſcovered unto them beforehand, and ought to have removed being diſcovered unto them afterwards. And it hath aboundantly appeared this Parliament upon examinations taken in this Houſe of Commons and the Committees thereof, that when Miniſters extreamly ſcandalous, have been diſcovered to the Biſhops and their Officers, and in the High-commiſſion Court, they have received no further cenſure then admonition, or to be put to purgation, and ſo ſent home to deſtroy more Soules, as if they had not done ſufficiently in that way before.

But if any godly, learned, and painfull Preacher hath been diſcovered by them, they have ſought out all occaſions againſt ſuch, to thruſt them out of the Church, and lay their Congregations waſte and deſolate, and every trifle, though indifferent in their own account, hath been made uſe of, and ſufficed them for this, yea, they have made occaſions and traps to overthrow ſuch worthies without Law and againſt Law.

And herein they have inherited the vertues of *Diotrephes* their firſt Predeceſſor, who would not receive the brethren, and forbad them that would, and caſt both out of the Church, 3 *John* 10.

And though ſome of the Biſhops have been and are good men, yet look into their Dioceſſe, and the Churches in their gift, and judge whether they be good Biſhops or no, you ſhall finde them as faulty concerning this great truſt as any of the reſt. And whether it be not from hence evident, or at leaſt greatly to be ſuſpected, that ſome curſe cleaves to the very Office of Biſhops, when good men cannot manage it to any better purpoſe then the bad, let any man judge.

This Spirituall Monarchy hath two incidents inſeparable unto it, firſt that it is alwayes incroaching and uſurping upon other powers, and ſwallowing them up,

as

in the *series* of all ages abundantly manifeſte. Secondly, that it is ever inclining and returning to Popery, and the Religion of Antichriſt, as hath moſt cleerly appeared, even in our daies as well as before ſince the reſtoring of Religion; I ſhall for this time inſtance onely in three places of the Rubrick corrupted by Biſhops: In the Rubrick confirmed by act of Parliament, in the beginning of it, It is directed, that prayer ſhall be in ſuch place of the Church or Chancell, and the Miniſter ſhall ſo turne him, as the people may beſt heare.

In the Rubrick as it is now Printed, prayer ſhall be uſed in the accuſtomed place, &c. except it ſhall be otherwiſe determined by the Ordinary.

Whereby they have introduced the Popiſh practice of reading Prayers at the upper end of the Chancell at their Altar, where few in the Church can ſee them, and fewer heare them, and turning their faces to the Eaſt, and their backs to the people in reading in the Desk, and colour all with the determination of the Ordinary.

Secondly, in the Letany, there are theſe words in the book of Common prayer confirmed by the Statutes of 5. and 6. *Ed.* 6. and of 1 *Eliz.* From the tyranny of the Biſhop of *Rome*, and all his deteſtable enormities, good Lord deliver us; and that the Biſhops in the latter books have cauſed to be left out wholly.

Thirdly, in the Rubrick concerning the adminiſtration of the Lords Supper, as it ſtands now altered, an excellent declaration of the reaſon why kneeling at this Sacrament was left in the reformation, and a renunciation of Tranſubſtantiation, Conſubſtantiation, adoration of the bread and wine, as abhominable Idolatries, are wholly obliterate and left out, that the uſe of that geſture there might be rendred the more ſuſpicious and ſuperſtitious, and a more clear way might be made, to induce the Popiſh ſuperſtitious innovations, that have been ſince obtruded upon us, concerning the Table,

Altar, ſupereminent preſence of God almighty there, cringings, Altar-worſhip and the like. And I conceive alterations were made by the Biſhops, as appeares unto me by the Proclamation they procured to be ſet forth 5. *Martii*, 1. *Jac.* concerning the booke of Common prayer.

And how can things proſper better in the hands of the Epiſcopacy, when Gods bleſſing alone giveth out proſperity, and the Lord diſpoſeth his bleſſing in his owne way only, and not in any other?

And this being no plant planted by God in his Church, how can it be expected it ſhould yeeld us any better fruits then we have received from it?

Againe, (if I be not much deceived) the Epiſcopacy in whatſoever it exceeds the Presbyters office (in which ſenſe only I ſpeak of it) is a branch of the Hierarchy of *Rome*, and of the Antichriſt: and of that conſider what is propheſied *Revel.* 14. 11. They ſhall not have any reſt day nor night, that receive any print of the name of the Beaſt; and examine the former and preſent times, whether the ſame hath not been verified among us, and in all ſuch places where that Hierarchy hath been entertained, whether the moſt troubles and miſeries of the Churches, and in great part alſo of the Common-wealth, have not ſprung from the ſaid Epiſcopacy and the fruites thereof?

Therefore let us proceed to the perfecting of the Reformation of our Church, and to the gathering out of it every ſtone that offends, even whatſoever is not according to God, and the ſtandard of his word, and reduce every thing in the government to the rule, and walke in it in Gods way, which is the ſure way to have his preſence with us, and bleſſing upon us and ours for ever.

It hath ever been a point of higher honour from God, and of greater acceptance and eſteem with him to advance

vance the reformation of his Church and worship; and was & ever will be a reproach from him, and blot upon such as have left any thing not agreeable to his word unreformed, and not taken away: Up then let us be doing, and the Lord will goe before us, and make plain all mountains that may occurre in our way, and give a bleſſed iſſue and ſucceſſe.

2 Chro. 17. 6 & 31. 1.
1 Kings 15. 14.
2 Kings 12. 3.
1 Cron. 28. 18.
Zac. 4. 7.

To the honorable Houſes of *Parliament* now aſſembled.

The humble Petition of many of the Inhabitants within his Majeſties County of *Kent*:

Moſt humbly ſhewing,

THat by ſad experience we doe daily finde the Government of the Church of *England*, by *Arch-Biſhops*, *Biſhops*, *Deans* and *Arch-Deacons*, with their *Courts*, *Juriſdictions*, and *Adminiſtrations* by them and their inferiour Officers, to be very dangerous both to *Church* and *Commonwealth*, to be the occaſions of manifold *Grievances* unto his Majeſties Subjects, in their Conſciences, Liberties, and Eſtates, and likely to be fatall unto us in the continuance thereof, the dangerous effects of which Lordly power in them have often appeared in theſe particulars following.

1 They doe (with a hard hand) over-rule all other Miniſters, ſubjecting them to their cruell Authority.

2 They doe ſuſpend and deprive many godly, Religious and painfull Miniſters, upon ſleight, and upon no grounds, whileſt in the mean time few of them preach the Word of God themſelves, and that but ſeldome, but they doe reſtrain the painfull preaching of others, both for Lectures, and for afternoon Sermons on the Sabbath day.

3 They doe countenance, and have of late encouraged *Papiſt Prieſts*, and *Arminian* books and perſons.

4 They hinder good and godly books, yet they doe licenſe to be publiſhed many Popiſh and Arminian and other dangerous Books and Tenents.

5 They have deformed our Churches with *Popiſh Pictures*, and ſeated them with *Romiſh Altars*.

6 They have of late extolled and commended much the *Church of Rome*, denying the Pope to be Antichriſt, affirming the *Church of Rome* to be a true Church in *Fundamentals*.

7 They have practiſed and enforced antiquated and obſolete *Ceremonies*, *as ſtanding at all Hymns*, and at *Gloria patri*, turning to the Eaſt at ſeverall parts of the *Divine Service*, *Bowing at the Altar*, *which they term the place of Gods Reſidence upon earth*, *the reading of a ſecond Service at the Altar*, *and denying the holy Sacrament of the Euchariſt to ſuch as have not come up to the rere ſet rayl before the Altar*.

8 They have made and confirmed new illegall Canons and Conſtitutions, and framed a moſt pernitious and deſperate Oath, an Oath of covenant and confederacy for their own *Hierarchicall greatneſſe*, beſides many other very dangerous and pernitious paſſages in the ſaid Canons.

9 They doe diſpenſe with pluralities of Benefices, they doe both prohibit and grant Marriages, neither of them by the rule of Law or Conſcience, but doe prohibit that they may grant, and grant that they may have money.

10 They have procured a licentious liberty for the Lords day, and have preſſed the ſtrict obſervation of the Saints *Holydayes*, and doe puniſh, ſuſpend and deprive godly Miniſters, for not publiſhing that book for liberty of ſports on the Sabbath day.

11 They doe generally abuſe the great *Ordinance of Ex-*

Excommunication, making a great gain of it, ſometimes, to the great diſcomfort of many poore ſoules, who for want of money can get no abſolution.

12 They claim their *Office* and *Juriſdiction* to be *jure divino*, and doe exerciſe the ſame contrary to Law in their own names, and under their own Seals.

13 They receive and take upon them temporall Honours, Dignities, Places and Offices in the Common wealth, as if it were lawfull for them to uſe both ſwords.

14 They cognizance in their Courts and elſwhere of matters determinable at the *Common Law*.

15 They put Miniſters upon *Pariſhes* without the *Patrons* and without the peoples conſent.

16 They doe yearly impoſe Oaths upon *Churchwardens*, to the moſt apparent danger of filling the land with perjuries.

17 They doe exerciſe Oaths *Ex Officio* in the Nature of an inquiſition even unto the thoughts of mens.

18 They have apprehended men by *Purſevants* without citation or miſſives firſt ſent, they break up mens houſes and ſtudies, taking away what they pleaſe.

19 They doe aw the Judges of the Land with their greatneſſe to the inhibiting of prohibition, and hindering of *Habeas Corpus* when it is due.

20 They are ſtrongly ſuſpected to be confederated with the Roman party in this Land, and with them to be *Authors*, *Contrivers*, *or Conſenters* to the preſent *Commotions* in the *North*, and the rather becauſe of a Contribution by the Clergy and by the *Papiſts* in the laſt year 1639. and becauſe of an ill-named benevolence of ſix Subſidies, granted or intended to be granted this yeare 1640. thereby and with theſe monies to ingage (as much as in them lay) the two Nations into blood.

It is therefore our humble and earneſt prayer, that all

this Hierarchicall power may be totally abrogated, if the wiſdome of this Honourable Houſe ſhall finde that it cannot be maintained by Gods word and to his glory.

And your Petitioners ſhall ever pray, &c.

The Petition of the Citizens of London to both houſes of Parliament, wherein is a *Demonſtration* of their grievances, together with their deſires for Juſtice to be executed upon the Earle of *Strafford*, and other DELINQUENTS.

To the moſt Honorable Aſſembly of the Lords and Commons in this preſent Parliament.

The humble Petition of divers Citizens of London

SHeweth, that notwithſtanding his Majeſties graciOous Anſwer to the humble *Petition* of his Loyall Subjects in ſummoning this Parliament, with the great care, and endeavoured pains, taken by both Houſes for the removing the heavy Grievances in *Church* and *Commonwealth*, whereof the *Petitioners* have already received ſome fruit; for which they deſire to return their moſt humble and utmoſt thanks, yet nevertheleſſe, they are inforced with all Humility to repreſent to this moſt Honourable aſſembly, ſome of theſe Obſtructions which doe ſtill hinder that freedome and fulneſſe of Trade in this *City* they have formerly had, & which confide-

ſidering the numerous Multitude thereupon depending, they conceive it not able comfortably to ſubſiſt.

As the unſetled Condition of the Kingdome, even ſince the troubles in *Scotland* hath cauſed both ſtrangers, and alſo of our own, who did furniſh great ſumms of money to Uſe to call it in, and remit much of it by Exchange unto Forraine pars, and ſtands now in Expectation of what the iſſue of things may be.

The ſtopping money in the *Mint*, which till then was accompted the ſafeſt place, and ſureſt ſtaple in theſe parts in the world, ſtill doth hinder the importation of Bullyon, the *Scots* now diſabled to pay ſuch debts as they owe to the *Petitioners* and others in the City, and by reaſon of the oppreſſions exerciſed in *Ireland*, their debts alſo are detained there.

The *Engliſh* Trade by reaſon of our generall diſtractions and fears is ſo much decayed, that Country tradeſmen can not pay their debts in *London* as formerly.

The great ſumms of money unduly taken by his Majeſties Officers and Farmers, for impoſitions upon Merchandize exported and imported, and the want of reliefe in Courts of Juſtice againſt them.

The drawing out from the City great ſumms of money (which is the life and ſpirit of Trade) for his Majeſties ſervice in the North, and being there imployed is not yet returned.

Beſides all which from what ſtrong and ſecret oppoſition the Petitioners know not, they have not received what ſo much time and pains might give and cauſe to hope, but ſtill incendiaries of the Kingdoms and other notorious offenders remain unpuniſhed, the affaires of the Church notwithſtanding many Petitions concerning it and long debate about it remains unſettled, the Papiſts ſtill armed, the Laws againſt them not executed, ſome of the moſt active of them ſtill at Court, Prieſts and Jeſuits not yet baniſhed, the *Iriſh* Popiſh army not yet

disbanded, Courts of Justice not yet reformed, and the Earle of *Strafford* who as now appears hath counselled the plundering of this City, and putting it to fine & ransome, and said *it would never be well till some of the Aldermen were hanged up*, because they would not yeeld to illegall levies of moneys, hath so drawn out and spent his time in his businesse to the very great charge of the whol Kingdome, and his endeavour to obtain yet more; all which makes us fear there may be practices now in hand to hinder the birth of your great endeavours, and that we lie under some more dangerous plot then we can discover.

All which premisses with their fears and distractions growing there-from, and from things of the like nature, the *Petitioners* humbly offer to the most grave consideration of this most honorable assembly, as being the true causes of decay of Trade, discouragement of Tradesmen, and of the great scarcity of monies, with the consequences they labour under.

And do humbly pray that their said grievances may be redressed, the causes of their fears removed, Justice executed upon the said Earle and other incendiaries and offenders, the rather in regard till then, the Petitioners humbly conceive neither Religion nor their lives, liberties or estates can be secured.

And as in duty bound they shall ever pray, &c.

Subscribed to this Petition 20000. *all men of good ranke and quality.*

Sir *John Wrayes* Speech concerning Bishops. 1641.

THE first challenge for Lordly Primacy hath of old been grounded out of the great Charter, by which they

they hold an Epiſcopall Primacy or Juriſdiction to belong to their ſtate of Prelacy: this is their temporall foundation and main object. Here I demand of them, unto what Church this great Charter was granted, and whether it were not granted unto the Church of GOD in *England?* Let the words of the *Magna Charta* decide this, which are theſe; *Conceſſimus Deo pro nobis in perpetuum, quod Eccleſia Anglicana libera ſit, habeat omnia Jura ſua integra & libertates ſuas illeſas.* Now by this Charter, if it be rightly interpreted, there is firſt proviſion made that honour and worſhip be yeelded unto God, as truly and indeed belong unto him.

Secondly, that not only ſuch Rights and Liberties as the King and his Progenitors, but alſo that ſuch as God had endowed the Church of *England* with, which God himſelf hath given by his Law unto the univerſall *Church*, and in that which the Kings of *England* by their *Charter* have bequeathed to the particular Church of *England*; and this we doubt not was the cauſe that moved *Hen.* 8. ſo effectually and powerfully to bend himſelfe againſt the Popes Supremacy, uſurped at that time over the Church of *England*; for, ſaith the King, we will with hazard of life and loſſe of our Crown uphold and defend in our Realms whatſoever we ſhall know to be the will of God.

The Church of God then in *England* not being free, according to the great *Charter*, but in bondage and ſervitude to the *See* of *Rome*, contrary to the Law of God, the King judged it to ſtand highly with honour, and his Oath to reform, redreſſe, and amend the abuſes of the ſame *See*.

If then it might pleaſe our gracious Soveraign Lord King *Charles*, that now is, in Imitation of that his noble Progenitor to vouchſafe an aboliſhment of all Lordly Primacy executed by Archepiſcopall and Epiſcopall authority over the Miniſters of *Chriſt*, his Highneſſe

in

in ſo doing could no more rightly be charged with the violation of the great *Charter*, then might King *Henry* the eight, with the baniſhment of the Popiſh Supremacy, or then our late Soveraign Lady Q. *Elizabeth* could be juſtly burdened with the breach of her Oath by the Eſtabliſhment of the *Goſpell*. Now if the Kings of *England* by reaſon of their Oath were ſo ſtraitly tied to the words of the great *Charter*, that they might not in any ſort have diſanulled any ſuppoſed Rights or Liberties of the Church uſed and confirmed by the ſaid *Charter* unto the Church, that then was ſuppoſed to be the Church of God in *England*, then belike King *Henry* 8. might be attainted to have gone againſt the great *Charter* and againſt his Oath, when by the overthrow of *Abbeys* and *Monaſteries* he took away the *Rights* and *Liberties* of the *Abbots* & *Priers*, for by expreſſe words of the great *Charter*, *Abbots* and *Priers* had as large and ample a *Patent* for their Rights and Liberties, as our Archbiſhops and Biſhops can at this day challenge for their Primacy.

If then the Rights and Liberties of the one, as being againſt the Law of God, be duely and lawfully taken away, notwithſtanding any matter, clauſe or ſentence contained in the great Charter, the other having but little reaſon by colour of the great *Charter* to ſtand upon their pantofles, and to contend for their painted ſheaves, for this is a Rule and Maxime in Gods laws; that *In omni Juramento ſemper excipitur authoritas majoris.*

Unleſſe then they be able to juſtifie by the holy ſcriptures, that ſuch Rights and Liberties, as they pretend for their ſpirituall Primacy over the Miniſters of Chriſt, be in Deed and Truth inferred unto them by the holy law of God, I ſuppoſe the Kings Highneſſe (as ſucceſſor to *Hen.* 8. and as moſt juſt inheritour of the Crown of *England*) by the words of the great *Charter*, and by his Oath, is bound utterly to aboliſh all Lordly Primacy, as hitherto upheld and defended, partly by ignorance and partly by an unreaſonable and evill Cuſtome.

My Lord DIGBIE's Speech in Parliament, 1640.

Maſter Speaker,

THis happie meeting, is to bemoane and redreſſe the unhappie State of this Common-wealth. Let me have I beſeech you your leave, to give you in a word, a ſhort view of our griefes, then ſee whence they flow. Our Lawes, our liberties, our lives, and which is the life of all, our Religion; all which have been by the endeavours of ſo many Ages ſecured, and made ſo much our owne, can ſcarce be called ours. Our Lawes, the only ſinews and ligeaments of our eſtates, which ſhould run in an even ſtreame, are now made to diſdaine their bancks, and to overflow and drown their fields, which they ſhould gently redreſſe our liberties, the very ſpirit and eſſence of our weale, which ſhould differ us from ſlaves, and ſpeake us Engliſh-men; are held away by them, that even whiles they take them from us, cannot but confeſſe they are our proper dues. Are not our lives in danger, when an enemy diſguiſed like a friend provoked, is as it were ſuffered (becauſe indirectly, and in vaine reſiſted) to come almoſt into our boſomes, to riffle ſome of their goods, others of their loyalty; which perhaps they could not, neither would have touched, might we with united force have reſiſted. And laſtly, which is the ſoule of all our grievances; our Religion,

which ſhould have beene our Cordiall in all our diſtem-pers; like a forced Virgin laments ever, that her pure innocencie is taken from her; and ſure all theſe effects muſt have their cauſes.

That we have juſt, and wiſe Lawes, we may thanke thoſe good Kings that made them; the ſettled expoſition of juſt circumſcribed Lawes, to binde and defend the Subject. That they are ſo well framed and uſefull, and to containe enough to make a good King and people, be perfect, be ſafe, and happie.

What do we owe to theſe grave Councellors, who ſate here before us, and that they out-live the malice of ſome unbounded ſpirits; we are beholding to them that Reprieved them from ruine, with their lives and fortunes; we call them ours, becauſe we are freely born to them, as to the Ayre we breath in; we claime them, and ſhould poſſeſſe them under the Protection of our gracious King, who is their great Patron, and diſpoſes them not inconſiderately, but by the advice of thoſe learned expoſitors of the Lawes (the Judges) and thoſe whom he truſts to be his great and faithfull Councellors. If thoſe pervert the ground and meaning of the Law, and contract the power of it, or make it ſpeake lowder or ſofter, as they themſelves are tuned for it; the blame ſhould deſervedly fall on thoſe miſtruſted miniſters, who are the baſe betrayers of his Majeſties honor, and his Peoples right; to vindicate which neceſſitie, hath here aſſembled you.

Mr. *Speaker*, Is not this offence and malice, as great, who ſhould undermine my Tenour, and ſurruptiouſly deprive me of my evidence by which I held my Inheritance, as he who by violence ſhould wreſt it from me. The *Scots* we have heard branded as Traytors, becauſe they have contrary to the law of Nations, and their loyaltie, invaded our Kingdome in Arms; what other title have they merited, who have invaded our Lawes and liberties, the precious evidence by which we ſhould freely enjoy our

ſelvs,

ſelves, and our eſtates. The firſt, we may reſiſt and drive forth by united force, and it will be called pietie to the King and Countrie; if force be lay'd againſt the other, it will be ſtiled Rebellion.

What now remaines, but that we ſhould uſe the Law; which becauſe it hath beene inverted and turned againſt us, contrary to its owne naturall and plaine diſpoſition, ſhould now right us and it ſelfe againſt our Adverſaries. Surely the Law is not ſo weak and improvident, to take care for others, and never provide for its owne defence againſt thoſe (be they Peeres, or people) that have abuſed it. If we examine the Law well, it will tell us what hath beene the reward of ſuch ambitious men, as have Monopolized and abuſed the Kings Authoritie; what have beene the puniſhment of ſuch as have betrayed the well meaning Subject to the Kings diſpleaſure, and his Princes Councell to his enemies? what doe they deſerve, who have raiſed mountaines of Monopolies, heapes of impoſitions, oceans of grievances? what have been the puniſhment of ſuch as have belied Juſtice, and their conſcience, and have made truth and honeſty out of faſhion.

And laſtly, If no penaltie be found for theſe, ſure there is ſome for ſuch as have ſo diſguiſed Religion in fantaſticke dreſſes, that Heaven and earth cannot be but angrie to ſee it; and in their politique pride have beene ſo long moulding a new State, and a new old Church for their owne advantage, till they have by their too much order put all out of frame, and made us objects of pitie, and themſelves of hate. What if for theſe innovations, we innovate an exemplary puniſhment? Theſe are the ground-works of our miſeries; and ſurely, Mr. *Speaker*, there are too many of all theſe ſorts, which like envious clouds, hinders us from the gracious ſhine our Sun intends us; therefore for his greater luſtre, and our more aſſured comfort, let us endeavour to remove theſe inter-

poſers, that he may more freely ſee into his peoples boſomes, and reade in their hearts firme characters of loyaltie and glad obedience, which the practices of theſe later times have endeavoured to obliterate, but in vaine

I ſhall not dare to borrow one minute of you more; but I ſhall alreadie end though I have juſt now begun. If we conſider the juſt extent of our grievances, the deep ſearch of which wound I leave to you better abilities; and I beſeech you think not that I ſigh out theſe complaints, undertaking to inſtruct the grave Councell of this great Aſſembly, my infant advice preſumes not to reach ſo high: It is but to let you ſee how much the ſlighteſt parts of this abuſed Common-wealth, is not only made ſenſible of our wrongs, but what we feele is farre exceeded by the numberleſſe number of our juſt feares, which ſhould have before this time utterly diſtracted us, had not our great Phiſition now at length applied his ſoveraigne remedie, to keep up our fainting hopes, by which we muſt either ſtand, or fall.

Maſter *Pyms* Speech in PARLIAMENT. 1640.

THe diſtempers of this Kingdome are well knowne, they need not repetition. For though we have good Lawes, yet they want their execution; or if they are executed, it is in a wrong ſence. I ſhall endeavour to apply a remedie to the breaches that are made, and to that end, I ſhall diſcover firſt the qualitie of the diſeaſe.

Firſt,

Firſt, There is a deſigne to alter Law and Religion: the parties that effect this, are Papiſts, who are obliged by a maxime in their doctrine, that they are not onely bound to maintaine their Religion, but alſo to extirpate all others.

The ſecond is their Hierarchie which cannot amount to the height they aymeat, without a breach of our Law. To which their Religion neceſſarily ioynes, that if the one ſtands, the other muſt fall.

Thirdly, Agents and Penſioners to forraigne States, who ſee we cannot comply to them, if we maintaine our Religion eſtabliſhed, which is contrary to theirs. Here they intend chiefly the Spaniſh white gold works which are of moſt effect.

Fourthly, Favorites, ſuch as for promotion prize not conſcience, and ſuch are our Judges ſpirituall, and temporall; ſuch are alſo ſome of our Councellors of State. All theſe, though ſevered, yet in their contrivements they aymeat one end, and to this they walke on four feet.

Firſt, diſcountenancing of Preachers, and vertuous men, they perſecute under the law of purity.

Secondly, Countenancing of Preachers of contrary diſpoſitions.

Thirdly, The negotiating with the faction of *Rome* by Preaching, and to inſtructions to Preach of the abſolute Monarchie of Kings.

Here follow ſeverall Heads.

Firſt, The politicall interpretation of the Law to ſerve their turnes, and thus to impoſe taxes with a colour of Law; a Judge ſayd it when a *habeas corpus* was payd for.

Secondly, By keeping the King in continuall want, that he may ſeeke to their counſells for relieſe; to this purpoſe, to keepe the Parliaments in diſtaſte, that their counſells may be taken. The King by them is brought to

this, as a woman that uſed her ſelfe to poyſon could not live with good meate. Search the Chronicles, and we ſee no King that ever uſed Parliaments, was brought to this want.

Thirdly, Arbitrary proceedings in Courts of Juſtice; we have all Law left to the conſcience of a ſingle man. All Courts are now Courts of conſcience, without conſcience.

Fourthly, Plotters to inforce a war between *Scotland*, and us; that when we had well wearied one another, we might be both brought to what ſcorn they pleaſed; The pertition wall is only unity.

Fifthly, The ſuddaine diſſolving of Parliaments, and puniſhing of Parliament men, all to affright us from ſpeaking what we thinke. One was committed for not delivering up the Petitions of the Houſe; then a declaration which ſlandered our Proceedings, as full of lyes, as leaves, who would have the firſt ground to be our example. And Papiſts are under appearance to the King his beſt Subjects, for they contibute money to the War, which the Proteſtants will not do.

Sixthly, Another is Military, by getting places of importance into the Papiſts hands, as who are Commanders in the laſt Armie but they? none more ſtrong in Armes, then they, to whom their Armour is delivered contrary to the Statute. Their endeavour is to bring in ſtrangers to be Billited upon us; we have had no accompt of the Spaniſh Navie, and now our fear is from *Ireland*.

Laſtly, The next is Papiſticall that proceeds of Agents here in *London*, by whoſe defires many Monaſteries and Nunneries here in *London* were erected.

Sir.

Sir *Thomas Baringtons* Speech in Parliament, 1640.

My Lords,

WE have of late entred into conſideration of the Petition of Right, and the relation of it; and upon good reaſon, for it concernes our goods, liberties and lives. But there is a Right of higher nature, that preſerved for us farre greater things, eternall life, our ſoules, yea, our God himſelfe; a Religion derived to us from the King of Kings, conferred to us by the Kings of this Kingdome, enacted by Lawes in this place, treading downe to us in the bloud of the Martyrs, and witneſſed from Heaven by miracles, even miraculous deliverances. And this Right in the name of this Nation, I this day require, and claime, that there may be a deepe and ſerious conſideration of the relations of it.

I deſire firſt, that it may be conſidered what new paintings are layd on the old face of the Whore of *Babylon*, to make the more lovely, and to draw ſo many Suitors to her.

I deſire that it may be conſidered, how the Sea of *Rome* doth eate into our Religion, and fret into the banks and walls of it, the Lawes and Statutes of this Realme, eſpecially ſince theſe Lawes have beene made in a manner by themſelves, even by their owne Treaſons and bloudy deſignes,

deſignes; and ſince that Poperie is a confuſed maſſe of errors, caſting downe Kings before Popes, the Precepts of God, before the tradition of men, living, and reaſonable men, before dead and ſenceleſſe ſtocks and ſtones.

I deſire that we conſider the encreaſe of Arminianiſme and errors, that makes the grace of God to lackie it after the will of man, that makes the Sheepe keepe the Shepheard, and make an immortall ſeed, of a mortall God.

Yea, I deſire that we looke into the very belly and bowells of this Trojan horſe, to ſee if there be not in it men readie to open the gates of Romiſh tyranny, and Spaniſh Monarchie, for an Arminian is the ſpaune of a Papiſt; and if their come the warmth of favour upon him, you ſhall have him turne into one of thoſe frogs that ariſe out of the bottomeleſſe pit; and if you marke it well, you ſhall ſee an Arminian reach out his hand to a Papiſt, to a Jeſuite, a Jeſuite gives one hand to the *Pope*, another to the King of *Spaine*; and therein having kindled a fire in our neighbors Countrey, now they have brought ſome of it hither, to ſet on flame this kingdome alſo.

Let us further ſearch and conſider, whether theſe be not the men that breake in upon the goods and liberties of this Common-wealth, for by theſe meanes they may make way for the taking away of Religion. It was an old tricke of the Devills, when he meant to take away *Jobs* Religion, he began at his goods; *Lay thy hand on all he hath, and he will curſe even to thy face.* Rather they thinke hereby to ſet a diſtance betweene Prince and people, or to finde ſome other way of ſupply to avoyd or breake Parliaments, that ſo they may break in upon our Religion, and bring in their errors: but let us doe as *Job* did, he held faſt his Religion, and his goods were reſtored with advantage; and if we hold faſt God, and our Religion, theſe things ſhall be unto us.

Let

Let us conſider the times paſt, how we flouriſhed in honor and abundance, when Religion flouriſhed amongſt us; but when Religion decayed, ſo the honour and ſtrength of our Nation decayed; when the ſoul of this Common-wealth is dead, the bodie cannot long over live it. If a man meete a Dogge alone, the Dog is fearefull, but though never ſo fierce by nature; if that Dog have his Maſter by him, he will ſet upon that man from whom he fled before. This ſhewes, the lower natures being back't with the higher, increaſe in courage and ſtrength; and certainly, man being back't with omnipotence, is a kinde of omnipotence. Wherefore let it now be the unanimous conſent and reſolution of us all, to make a vow and Covenant from henceforth, to hold faſt on God, and his Religion; and then may we from henceforth expect proſperitie in the Kingdome and Nation to this Covenant.

Let every one of us ſay, Amen.

The Accuſation and Impeachment of Sir *George Ratcliffe* by the Commons in this preſent Parliament Aſſembled, Charging him with High-Treaſon, and other miſdemeanours as enſue. 1640.

Imprimis, That he had conſpired with the Earle of *Strafford* to bring into *Ireland* an Arbitrary Government, and to ſubvert the fundementall Lawes, and did joyn with the Earle to bring in an Armie from *Ireland*, to ſubdue the Subjects of *England*.

Secondly, That he hath joyned with the Earle to uſe Regall power, and to deprive the Subjects of their liberties, and properties.

Thirdly, That he hath joyned with the Earle to take ——thouſand pounds out of the Exchequer in *Ireland*, and bought Tobacco therewith, and converted the ſame profits to their own uſes.

Fourthly, That he had Trayterouſly confederated with the Earle to countenance Papiſts, and build Monaſteries, to alienate the affections of the *Iriſh* Subjects from the ſubjection of *England*.

Fiftly, That he had Traiterouſly confederated with the Earle, to draw the Subjects of *Scotland* from the King.

Sixthly, That to preſerve himſelfe and the ſayd Earle, he had laboured to ſubvert the liberties and priviledges of Parliament in *Ireland*,

The

The Charge of the Scottiſh Commiſsioners againſt the Prelate of CANTERBVRY.

NOvations in Religion, which are univerſally acknowledged to be the maine cauſe of commotions in Kingdomes and States, and are knowne to be the true cauſe of our preſent troubles, were many and great, beſide the book of Ordination, and Homilies. 1. Some particular alterations in matters of Religion, preſſed upon us without order, and againſt Law, contrary to the forme eſtabliſhed in our Kirk. 2. A new booke of Canons and Conſtitutions Eccleſiaſticall. 3. A Liturgy, or booke of Common-prayer, which did alſo carry with them many dangerous errors in matters of Doctrine. Of all which we challenge the Prelate of *Canterburie*, as the prime cauſe on earth.

And firſt, that this Prelate was the Author and urger of ſome particular changes, which made great diſturbance amongſt us, we make manifeſt. 1. By fourteen letters ſubſcribed, *W. Cant.* in the ſpace of two yeares, to one of our pretended Biſhops, *Banuatine*, wherein he often enjoyneth him, and other pretended Biſhops, to appeare in the Chappell in their whites, contrary to the cuſtome of our Kirk, and to his promiſe made to the pretended Biſhop of *Edinburgh*, at the Coronation, that none of them after that time, ſhould be preſſed to weare

theſe garments, thereby moving him againſt his will to put them on for that time; wherein he directeth him to give order for ſaying the Engliſh Service in the Chappell twice a day, for his neglect ſhewing him, that he was diſappointed of the Biſhopricke of *Edinburgh*, promiſing him uppon the greater care of theſe Novations, advancement to a better Biſhoprick, taxing him for his boldneſſe in Preaching the ſound Doctrine of the reformed Kirks, againſt Maſter *Mitchell*, who had taught the errors of *Arminius* in the point of the extent of the merit of Chriſt, bidding him ſend up a liſt of the names of Councellours and Senators of the Colledge of Juſtice, who did not communicate in the Chappell, in a forme which was not received in our Kirk, commending him when he found him obſequious to theſe his commands; telling him that he had moved the King the ſecond time for the puniſhment of ſuch as had not received in the Chappell: and wherein he upbraided him bitterly, that in his firſt Synod at *Aberdein*, he had only diſputed againſt our cuſtome of *Scotland*, of faſting ſometimes on the Lords day, and preſumptuouſly cenſuring our Kirk, that in this we were oppoſite to Chriſtianity it ſelfe, and that amongſt us there were no Canons at all: More of this ſtuffe may be ſeen in the letters themſelves.

Secondly, by two papers of memoirs and inſtructions from the pretended Biſhop of Saint *Androis*, to the pretended Biſhop of *Roſſe*, comming to this Prelate for ordering the affairs of the Kirk, and Kingdome of *Scotland*; as not only to obtain warrants, to order the Exchequer, the Privy Counſell, the great Commiſſion of Surrenders, the matter of *Balmerino's* proceſſe, as might pleaſe our Prelates; but warrants alſo for fitting of the High-Commiſſion Court once a weeke in *Edinburgh*, and to gaine from the Noblemen, for the benefit of Prelates, and their adherents, the Abbacies of *Kelſo*, *Arbroith*, St. *Androis*, and *Lindors*, and in the ſmalleſt matters to receive his

his commands, as for taking downe Galleries and ſtone-walls in the Kirk of *Edinburgh*, and St. *Androis*, for no other end but to make way for Altars, and adoration towards the Eaſt; which beſide other evills, made no ſmall noiſe and diſturbance amongſt the people, deprived hereby of their ordinary accommodation for publique worſhippe.

The ſecond Novation which troubled our peace, was a booke of Canons, and Conſtitutions Eccleſiaſticall, obtruded upon our Kirk, found by our generall Aſſembly, to be deviſed for eſtabliſhing a tyrannicall power in the perſons of our Prelates, over the worſhip of God, over the conſciences, liberties, and goods of the people; and for aboliſhing the whole Diſcipline and government of our Kirk, by generall and provinciall Aſſemblies, Presbyteries, and Kirk-Seſſions which was ſetled by Law, and in continuall practiſe ſince the time of Reformation; that *Canterbury* was Maſter of this work is manifeſt.

By a booke of Canons ſent to him, written upon the one ſide onely, with the other ſide blanke, for corrections, additions, and putting all in better order at his pleaſure; which accordingly was done, as may appeare by interlinings, marginalls, and filling up of the blanke page, with directions ſent to the Prelates; and that it was done by no other then *Canterbury*, is evident by his Magiſteriall way of preſcribing, and by a new copie of theſe Canons, all written with St. *Androis* owne hand, preciſely to a letter, according to the former caſtigations ſent back for procuring the Kings warrant unto it, which accordingly was obtained; but with an addition of ſome other Canons, and a paper of ſome other corrections. According to which, the book of Canons thus compoſed, was publiſhed in Print, the inſpection of the booke, inſtructions, and his letters of joy for the ſucceſſe of the worke, and of others letters of the Prelate of *London*, and the Lord *Sterling*, to the ſame purpoſe; all which

we are readie to exhibite, will put the matter out of all debate.

Beſides this generall, there be ſome things more ſpeciall worthy to be adverted unto, for diſcovering his ſpirit. 1. The fourth Canon of Cap. 8. for aſmuch as no reformation in Doctrine or Diſcipline can be made perfect at once in any Church; therefore it ſhall, and may be lawfull for the Church of *Scotland* at any time to make remonſtrance to his M. or his ſucceſſors, &c. Becauſe this Canon holdeth the doore open to more innovations: He writeth to the Prelate of *Roſſe* his privie agent in all this worke of his great gladneſſe, that this Canon did *ſtand behinde the curtaine*, and his great deſire that this Canon *may be printed fully, as one that was to be moſt uſefull.* Secondly, the title prefixed to theſe Canons by our Prelates. Canons agreed upon to *be propouned to the ſeverall Synods of the Kirk of Scotland*; is thus changed by *Canterbury*; Canons and conſtitutions *Eccleſiaſticall, &c.* Ordained to be obſerved *by the Clergy.* He will not have Canons to come from the authority of Synods, but from the power of Prelates, or from the Kings Prerogative. Thirdly, the formidable Canon, *Cap.* 1. 3. threatning no leſſe then excommunication againſt all ſuch perſons whoſoever ſhall open their mouthes againſt any of theſe bookes, proceeded not from our Prelates, nor is to be found in the copie ſent from them, but is a thunder-bolt forged in *Canterburies* owne fire. 4. Our Prelates in divers places witneſſe their diſlike of Papiſts. A *Miniſter* ſhall be depoſed if he be found negligent to convert Papiſts. *Cap.* 18. 15. *The adoration of* the bread is a ſuperſtition to be condemned. *Cap.* 6. 6. They call the abſolute neceſſitie of Baptiſme, an error of Popery. *Cap.* 6. 2. But in *Canterburies* Edition, the name of Papiſts and Popery is not ſo much as mentioned. 5. Our Prelates have not the boldneſſe to trouble us in their Canons, with Altars, Fonts, Chancells, reading of a long Liturgie before Sermon,

Sermon, &c. But *Canterburie* is punctuall, and peremptory in all theſe. Although the words of the tenth Canon *cap.*3 be faire, yet the wicked intentions of *Canterburie*, and *Roſſe*, may be ſeen in the point of juſtification of a ſinner before God, by comparing the Canon as it came from our Prelates, and as it was returned from *Canterbury*, and printed, our Prelates ſay thus: *It is manifeſt that the ſuperſtition of former Ages, hath turned into a great prophaneſſe, and that people are growne cold for the moſt part in doing any good, thinking there is no place to good works, becauſe they are excluded from juſtification. Therefore ſhall all Miniſters, as their Text giveth occaſion, urge the neceſſitie of good works, as they would be ſaved, and remember that they are* via regni, *the way to the Kingdome of Heaven, though not* cauſa regnandi, *howbeit they be not the cauſe of ſalvation.* Here Roſſe giveth his judgement, *That he would have this Canon, ſimply commanding good workes to be preached, and no mention made what place they have, or have not in juſtification.* Upon this motion, ſo agreeable to *Canterburies* minde, the Canon is ſet downe as it ſtandeth without the diſtinction of *via regni*, or *cauſa regnandi*, or any word ſounding that way, urging onely the neceſſitie of good works.7. By comparing Can.9. *cap.*18. as it was ſent in writing from our Prelates, and as it is printed at *Canterburies* command, may be alſo manifeſt, that he went about to eſtabliſh auricular confeſſion, and Popiſh abſolution. 8 Our Prelates were not acquainted with Canons, for afflicting of arbitrary penalties: But in *Canterburies* booke, whereſoever there is no penalty expreſſely ſet downe, it is provided that it ſhall be arbitrarie, as the Ordinary ſhall thinke fitteſt. By theſe and many other the like, it is apparant, what tyrannicall power he went about to eſtabliſh in the hands of our Prelates, over the worſhip, and the ſouls and goods of men, overturning from the foundation, the whole order of our Kirk, what ſeeds of Popery he did ſow in our Kirk,

and

and how large an entry he did make for the groſſeſt Novations afterward, which hath been a main cauſe of all their combuſtion.

The third and great Novation was the booke of Common Prayer, adminiſtration of the Sacraments, and other parts of divine Service, brought in without warrant from our Kirk to be univerſally received, as the only form of divine Service, under all higheſt paines both civill and Eccleſiaſticall, which is found by our Nationall Aſſembly; beſides the Popiſh frame and formes in divine worſhip, to containe many Popiſh errors, and ceremonies, and the ſeeds of manifold and groſſe ſuperſtitions and idolatries, and to be repugnant to the Doctrine, Diſcipline, and order of our Reformation, to the confeſſion of faith, conſtitutions of generall Aſſemblies, and Acts of Parliament, eſtabliſhing the true Religion: that this alſo was *Canterburies* worke, we make manifeſt.

By the memoirs, and inſtructions ſent unto him from our Prelates, wherein they gave a ſpeciall account of the diligence they had uſed, to do all which herein they were enjoyned, by the approbation of the Service booke ſent to them; and of all the marginall corrections, wherein it varieth from the Engliſh book, ſhewing their deſire to have ſome few things changed in it, which notwithſtanding was not granted: This we finde written by Saint *Androis* own hand, and ſubſcribed by him, and nine other of our Prelates.

By *Canterburies* owne letters, witneſſes of his joy, when the booke was readie for the Preſſe, of his prayers that God would ſpeed the worke, of the hope to ſee that Service ſet up in *Scotland*, of his diligence to ſend for the Printer, and directing him to prepare a black letter, and to ſend it to his ſervants at *Edinburgh*, for printing this booke. Of his approbation of his proofes ſent from the Preſſe. Of his feare of delay, in bringing the worke ſpeedily to an end, for the great good, (not of that Church,

Church, but) of the Church. Of his encouraging *Roſſe*, who was entruſted with the Preſſe, to go on in this peece of ſervice without feare of enemies. All which may be ſeen in the Autographs, and by letters ſent from the Prelate of *London* to *Roſſe*, wherein as he rejoyceth at the ſight of the *Scottiſh* Canons; which although they ſhould make ſome noiſe at the beginning, yet they would be more for the good of the Kirk, than the Canons of *Edinburgh*, for the good of the Kingdom. So concerning the Leiturgy he ſheweth, that *Roſſe* had ſent to him, to have an explanation from *Canterbury* of ſome paſſage of the Service booke, and that the Preſſe behoved to ſtand, till the explanation come to *Edinburgh*, which therefore he had in haſte obtained from his Grace, and ſent the diſpatch away by *Canterburies* own conveyance.

But the booke it ſelfe as it ſtandeth interlined, margined, and patcht up, is much more than all that is expreſſed in his letter, and the changes and ſupplements themſelves taken from the Maſſe-booke, and other Romiſh Ritualls, by which he maketh it to vary from the Booke of *England*, are more pregnant teſtimonies of his popiſh ſpirit, and wicked intentions which he would have put in execution upon us, then can be denied. The large declaration profeſſeth, that all the variation of our booke, from the booke of *England*, that ever the King underſtood, was in ſuch things as the *Scottiſh* humour would better comply with, than with that which ſtood in the *Engliſh* Service. Theſe popiſh innovations therefore have been ſurreptitiouſly inſerted by him, without the Kings knowledge, and againſt his purpoſe. Our *Scottiſh* Prelates do petition that ſome thing may be abated of the *Engliſh* ceremonies, as the Croſſe in Baptiſme, the Ring in Martiage, and ſome other things. But *Canterbury* will not only have theſe kept, but a great many more, and worſe ſuperadded, which was nothing elſe, but the adding of fewell to the fire. To expreſſe and diſcover all,

would require a whole booke, we ſhall only touch ſome few in the matter of the Communion.

This book inverteth the ordor of the Communion in the book of *England*, as may be ſeen by the numbers, ſetting down the orders of this new Communion, 1.5.2. 6.7.3.4 8.9.10.15. Of the divers ſecret reaſons of this change, we mention one only; in joyning the ſpirituall praiſe and thankſgiving, which is in the book of *England*, pertinently after the Communion, with the prayer of Conſecration before the Communion, and that under the name of memorable or oblation, for no other end, but that the memoriall and ſacrifice of praiſe, mentioned in it, may be underſtood according to the popiſh meaning. *Bellar. de Miſſa, lib. 2. cap. 21.* Not of the ſpirituall ſacrifice, but of the oblation of the body of the Lord.

It ſeemeth to be no great matter, that without warrant of the book of *England*, the Presbter going from the North end of the Tabls, ſhall ſtand during the time of Conſecration, at ſuch a part of the Table, where he may with the more eaſe and decencie uſe both hands; yet being tryed, it importeth much, as that he muſt ſtand with his hinder parts to the people, repreſenting (ſayth *Durand*) that which the Lord ſayd of *Moſes*, *Thou ſhalt ſee my hinder parts*. He muſt have the uſe of both his hands, not for any thing he hath to do about the bread and wine, for that may be done at the North end of the Table, and be better ſeen of the people; but (as we are taught by the Rationaliſts) that he may be ſtretching forth his arms, to repreſent the extenſion of Chriſt on the Croſſe, and that he may the more conveniently lift up the bread and wine above his head to be ſeen and adored of the people, who in the Rubrick of the generall Confeſſion, a little before, are directed to kneel humbly on their knees, that the Prieſts elevation ſo magnified in the Maſſe, and the peoples adoration may go together; That in this poſture, ſpeaking with a low voyce, and muttering

muttering (for ſometimes he is commanded to ſpeak with a lowd voyce, and diſtinctly) he be not heard by the people; which is no leſſe a mocking of God, and his people, then if the words were ſpoken in an unknown language. As there is no word of all this in the Engliſh Service, ſo doth the booke in King *Ed.* time, give to every Presbyter his liberty of geſture, which yet gave ſuch offence to *Bucer*, (the cenſurer of the book: and even in *Caſſanders* own judgement, a man of great moderation in matters of this kinde) that he calleth them, *Nunquam ſatis execrandos Miſſæ geſtus*, and would have them to be abhorred, becauſe they confirm to the ſimple and ſuperſtitious *ter impiam & exitialem Miſſæ fiduciam.*

The corporall preſence of Chriſts body in the Sacrament, is alſo to be found here: for the words of the Maſſ-book ſerving to this purpoſe, which are ſharply cenſured by *Bucer* in King *Ed.* Leiturgy, and are not to be found in the book of *England*, are taken in here. Almighty God is incalled, that of his Almighty goodneſſe he may vouchſafe ſo to bleſſe and ſanctifie with his Word and Spirit, theſe gifts of bread and wine, that they may be unto us the body and bloud of Chriſt.

The change here is made the worke of Gods omnipotencie: the words of the Maſſe, *ut fiant nobis*, are tranſlated in King *Edwards* booke, *That they may be unto us*, which are againe turned into Latine by *Aleſius*, *ut fiant nobis.* On the other part, the expreſſions of the booke of *England* at the delivery of the Elements of *feeding on Chriſt by faith*, and of *eating and drinking in remembrance that Chriſt dyed for thee*, are utterly deleated. Many evidences there be in this part of the Communion, of the bodily preſence of Chriſt, very agreeable to the doctrines taught by his Secretaries, which this paper cannot containe. They teach us that Chriſt is received in the Sacrament, *Corporaliter*, both *objective* and *ſubjective*. *Corpus Chriſti eſt objectum quod recipitur, & corpus noſtrum ſubjectum quo recipitur.*

The booke of *England* aboliſheth all that may import the oblation of any unbloudy Sacrifice; but here we have beſides the Preparatorie oblation of the Elements, which is neither to be found in the booke of *England* now, nor in King *Edwards* booke of old, the oblation of the body and bloud of Chriſt, which *Bellarmine* calleth, *Sacrificium Laudis, quia Deus per illud magnopere laudatur.* This alſo agreeth well with their late Doctrine. We are ready when it ſhall be judged convenient, and we ſhall be deſired, to diſcover much more matters of this kinde, as grounds layd for *miſſa ſicca*, or the halfe maſſe, the private maſſ without the people, of communicating in one kinde. Of the conſumption by the Prieſt, and conſummation of the Sacrifice, of receiving the Sacrament in the mouth, and not in the hand, &c.

Our Supplications were many againſt theſe bookes, but *Canterbury* procured them to be anſwered with terrible Proclamations. We were conſtrained to uſe the remedie of Proteſtation; but for our proteſtations, and other lawfull meanes which we uſed for our deliverance, *Canterbury* procured us to be declared Rebels and Traytors in all the Pariſh Kirks of *England*, when we were ſeeking to poſſeſſe our Religion in peace, againſt theſe devices and Novations, *Canterbury* kindled warre againſt us. In all theſe it is knowne that he was, though not the ſole, yet the principall Agent and Adviſer.

When by the pacification at *Barwick*, both Kingdoms looked for peace and quietneſſe, he ſpared not openly in the hearing of many, often before the King and privately at the Counceil-Table, and the privy Jointo to ſpeake of us as Rebels and Traytors, and to ſpeak againſt the pacification as diſhonorable, and meet to be broken. Neither did his malignancie and bitterneſſe ever ſuffer him to reſt till a new warre was entred upon, and all things prepared for our deſtruction.

By him was it that our Covenant approven by Nationall

all Aſſemblies, ſubſcribed by his M. Commiſſioner, and by the Lords of his M. Counſell, and by them commanded to be ſubſcribed by all the Subjects of the Kingdome, as a teſtimony of our duty to God, and the King, by him was it ſtill called ungodly, damnable, Treaſonable; by him were oathes invented, and preſſed upon divers of our poore Country-men, upon the pain of impriſonment, and many miſeries, which were unwarrantable by Law, and contrary their Nationall oath.

When our Commiſſioners did appeare to render the reaſons of our demands, he ſpared not, the preſence of the King and Committee, to raile againſt our Nationall Aſſembly as not daring to appeare before the World, and Kirks abroad, where himſelfe and his actions were able to endure tryall, and againſt our juſt and neceſſary defence, as the moſt malicious and Treaſonable contempt of Monarchiall Government that any bygone Age hath heard of: His hand alſo was at the Warrant for the reſtraint and impriſonment of our Commiſſioners, ſent from the Parliament, warranted by the King, and ſeeking the peace of the Kingdomes.

When we had by our Declarations, Remonſtrances, and Repreſentations manifeſted the truth of our intentions, and lawfulneſſe of our actions, to all the good Subjects of the Kingdome of *England*, when the late Parliament could not be moved to aſſiſt, or enter in warre againſt us, maintaing our Religion, and liberties; *Canterbury* did not onely adviſe the breaking up of that high and honorable Court, to the great griefe and hazzard of the Kingdome; but (which is without example) did ſit ſtill in the Convocation, and make Canons and Conſtitutions againſt us, and our juſt and neceſſary defence, ordaining under all higheſt pains, that hereafter the Clergie ſhall preach foure times in the yeare ſuch doctrine as is contrary not only to our proceedings, but to the doctrine and proceedings of other reform'd Kirks, to the

judgement of all ſound Divines, and politiques, and tending to the utter ſlavery and ruining of all Eſtates and Kingdomes, and to the diſhonor of Kings and Monarchs. And as if this had not been ſufficient, he procured ſix Subſidies to be lifted of the Clergie, under pain of deprivation to all that ſhould refuſe. And which is yet worſe, and above which malice it ſelf cannot aſcend, by his means a prayer is framed, printed, and ſent through all the Paroches of *England*, to be ſayd in all Churches in time of Divine Service, next after the prayer for the Queene and Royall Progeny, againſt our Nation by name of Trayterous Subjects, having caſt of all obedience to our annointed Soveraign, and comming in a rebellious manner to invade *England*, that ſhame may cover our faces, as Enemies to God, and the King.

Whoſoever ſhall impartially examine what hath proceeded from himſelfe, in theſe two books of Canons and Common-prayer, what Doctrine hath been publiſhed and printed theſe years by-paſt in *England*, by his Diſciples and Emiſſaries, what groſſe Poperie in the moſt materiall points we have found, and are readie to ſhew in the poſthume writings, of the Prelate of *Edinburgh*, and *Dumblane*, his own Creatures, his neareſt familiars, and moſt willing inſtruments to advance his counſells, and projects, ſall perceive that his intentions were deep and large againſt all the reformed Kirks, and reformation of Religion, which in his Majeſties Dominions wes panting, and by this time had rendred up the ghoſt, if God had not in a wonderfull way of mercy prevented us: and that if the Pope himſelfe had been in his place, he could not have been more popiſh, nor could he more zealouſly hvae negotiated for *Rome*, againſt the reformed Kirks, to reduce them to the Hereſies in Doctrine, the Superſtitions and Idolatry in worſhip, and the Tyranny in Government which are in that Sea, and for which the reformed Kirks did ſeperate from it, and come forth of *Babel*. From

him

him certainly hath iſſued all this deluge, which almoſt hath overturned all. We are therefore confident that your Lordſhips will by your meanes deale affectually with the Parliament, that this great firebrand be preſently removed from his Majeſties preſence, and that he may be put to triall, and put to his deſerved cenſure according to the Lawes of the Kingdome, which ſall be ſervice to God, honor to the King and Parliament; terror to the wicked, and comfort to all good men, and to us in ſpeciall; who by his means principally have been put to ſo many and grievous afflictions, wherein we had periſhed, if God had not been with us.

We do indeed confeſſe that the Prelates of *England* have been of very different humors, ſome of them of a more hot, and others of them, men of a more moderate temper, ſome of them more, and ſome of them leſſe inclinable to Poperie, yet what knowne truth, and conſtant experience hath made undeniable, we muſt at this opportunitie profeſſe, that from the firſt time of Reformation of the Kirk of *Scotland*, not only after the comming of King *James* of happy memory into *England*, but before the Prelates of *England*, have been by all means unceſſantly working the overthrow of our Diſcipline and Government. And it hath come to paſſe of late, that the Prelates of *England* having prevailed, and brought us to ſubjection in the point of government, and finding their long waited for opportunity, and a rare congruity of many ſpirits and powers, ready to cooperate for their ends, have made a ſtrong aſſault upon all the externall worſhip, and Doctrine of our Kirk. By which their doing, they did not ayme to make us conforme to *England*, but to make *Scotland* firſt (whoſe weakneſſe in reſiſting they had before experienced, in the Novations of government, and of ſome points of worſhip) and thereafter *England* conforme to *Rome*, even in theſe matters, wherein *England* had ſeperated from *Rome*, ever ſince the time of Reformation.

formation. An evill therefore which hath iſſued, not ſo much from the perſonall diſpoſition of the Prelates themſelves, as from the innate qualitie and nature of their office and Prelaticall Hierarchy, which did bring forth the Pope in ancient times, and never ceaſeth till it bringeth forth popiſh Doctrine and worſhippe, where it is once rooted, and the principles thereof fomented and conſtantly followed. And from that antipathy and inconſiſtency of the two formes of Eccleſiaſticall Government, which they conceived, and not without cauſe, that one Iſland united alſo under one head and Monarch, wes not able to beare; the one being the ſame in all the parts and powers, which it wes in the time of Popery, and now is in the *Roman* Church. The other being the forme of Government, received, maintained, and practiſed by all the Reformed Kirks, wherein by their own teſtimonies and and confeſſions, the Kirk of *Scotland* had amongſt them no ſmall eminencie. This alſo we repreſent to your Lordſhips moſt ſerious conſideration, that not only the firebrands may be removed, but that the fire may be provided againſt, that there be no more combuſtion after this.

THE CHARGE OF THE *SCOTTISH* Commiſsioners againſt the Livetenant of *Ireland.*

IN our Declarations we have joyned with *Canterbury* the Lord Lievetenant of *Ireland*, whoſe malice hath ſet all his wits and power on work, to deviſe and do miſchiefe againſt our Kirk and Countrey.

No other cauſe of his malice can we conceive, but firſt his pride and ſupercilious diſdain of the Kirk of *Scotland*, which in his opinion declared by his ſpeeches hath not in it almoſt any thing of a Kirk, although the Reformed Kirks, and many worthy Divines of *England* have given ample teſtimony to the Reformation of the Kirk of *Scotland.*

Secondly, our open oppoſition againſt the dangerous *innovation of Religion intended, and very far promoved in all his Majeſties dominions*; of which he hath ſhewed himſelfe in his own way no leſſe zealous then *Canterbury* himſelfe, as may appeare by his advancing of his Chaplain, *D. Bramble*, not only to the Biſhoprick of *Derry*, but alſo to be *Vicar-generall of Ireland*, *a man prompted*

for exalting of Canterburian Popery, and Arminianiſme, that thus himſelf might have the power of both ſwords, againſt all that ſhould maintain the Reformation, by his bringing of *D. Chappel*, a man of the ſame ſpirit, to *Univerſity of* Dublin, *for poyſoning the fountains, and corrupting the Seminaries of the Kirk.*

And thirdly, when the Primate of *Ireland* did preſſe a new ratification of the Articles of that Kirk, in Parliament for barring ſuch Novations in Religion, he boldly menaced him with the burning by the hand of the Hang-man, of that Confeſſion, although confirmed in former Parliaments.

When he found that the Reformation begun in *Scotland* did ſtand in his way, he left no means unaſſaied to rub diſgrace upon us, and our cauſe. The peeces printed at *Dublin*, *Examen conjurationis Scoticanæ*, The ungirding of the Scottiſh Armour: the pamphlet bearing the counterfeit name of *Liſimachus Nicanor*; all three ſo full of calumnies, ſlanders, and ſcurrilities againſt our Countrey, and Reformation, that the Jeſuites in their greateſt ſpite, could not have ſayd more, yet not only the Authors were countenanced and rewarded by him, but the books muſt bear his name, as the great Patron both of the work and workman.

When the Nationall Oath and Covenant warranted by our generall Aſſemblies, was approved by Parliament in the Articles ſubſcribed in the Kings name, by his Maieſties high Commiſſioner, and by the Lords of privie Counſell, and Commanded to be ſworn by his *Maj.*ſties Subiects of all ranks; and particular and plenary information was given unto the Lieutenant, by men of ſuch quality as he ought to have believed, of the loyalty of our hears to the King, of the lawfulneſſe of our proceedings, and innocency of our Covenant, and whole courſe, that he could have no excuſe: yet his deſperate malice made him to bend his craft and cruelty,

cruelty, his fraud and forces againſt us. For firſt, he did craftily call up to *Dublin* ſome of our Country-men both of the Nobility and Gentry, living in *Ireland*, ſhewing them, that the King would conceive and account them as Conſpirers with the *Scots*, in their rebellious courſes, except ſome remedie were provided; and for remedy, ſuggeſting his own wicked invention, to preſent unto him and his own wicked Councell, a petition, which he cauſed to be framed by the Biſhop of *Raphoe*, and was ſeen and corrected by himſelfe, wherin they petitioned to have an oath given them, containing a formall renunciation of the *Scottiſh* Covenant, and a deep aſſurance never ſo much as to proteſt againſt any of his Majeſties commandements whatſoever.

No ſooner was this Oath thus craftily contriv'd, but in all haſte it is ſent to ſuch places of the Kingdome where our Countrey-men had reſidence; and men, women, and all other perſons above th years of ſixteen, conſtrained either preſently to take the Oath, and therby renounce their Nationall Covenant as ſeditious and trayterous, or with violence and cruelty to be haled to the Jayle, fined above the valew of their eſtates, and to be kept cloſe priſoners, and ſo farre as we know, ſome are yet kept in priſon, both men and women of good quality, for not renouncing that Oath which they had taken forty years ſince, in obedience to the King who then lived. A cruelty enſued, which may paralell the perſecutions of the moſt unchriſtian times: for weake women dragged to the Bench to take the Oath, dyed in the place, both mother and Child; hundreds driven to hide themſelves, till in the darkneſſe of the night they might eſcape by Sea into *Scotland*, whither thouſands of them did flye, being forced to leave Corn, Cattell, Houſes, and all they poſſeſſed, to be prey to their perſecuting enemies, the Lievetenants Officers. And ſome indited and declared guilty of high-treaſon, for no

other guiltineſſe but for ſubſcribing our National oath, which was not only impiety and injuſtice in it ſelf, and an utter undoing of his Majeſties Subiects, but was a weakning of the *Scots* Plantation, to the prejudice of that Kingdome, and his Majeſties ſervice, and was a high ſcandall againſt the Kings honour, and intolerable abuſe to his Majeſties truſt and authority in his Majeſties Commiſſion, which was procured by the Lievetenant, bearing no other penalty then a certification of noting the names of the refuſers of the oath.

But by this his reſtleſſe rage and inſatiable cruelty, againſt our Religion and Countrey, cannot be kept within the bounds of *Ireland*.

By this means a Parliament is called, And although by the ſix ſubſidies granted in Parliament not long before, and by the baſe means which himſelf and his Officers did uſe, as is contained in a late Remonſtrance, that Land was extreamly impoveriſhed, yet by his ſpeeches full of oathes and aſſeverations, *That we were Traytors and Rebels, caſting off all Monarchicall Government, &c.* he extorted from them foure new Subſidies, and *inditta cauſa* before we were heard, procured that a Warre was undertaken, and forces ſhould be levied againſt us, as a rebellious Nation, which was alſo intended to be an example and preſident to the Parliament of *England* for granting ſubſidies, and ſending a joynt Armie for our utter ruine.

According to his appointment in Parliament, the Armie was gathered, and brought down to the Coaſt, threatning a daily invaſion of our Countrey, intending to make us a conquered Province, and to deſtroy our Religion, liberties, and Lawes, and thereby laying upon us a neceſſity of vaſt charges, to keep forces on foot on the Weſt coaſt to wait upon his comming.

And as the War was denounced, and forces leavied before we were heard. So before the denouncing of the War,

War, our Ships, and goods on the *Iriſh* Coaſt were taken, and the owners caſt in priſon, and ſome of them in Irons. Frigats were ſent forth to ſcour our Coaſts, which did take ſome, and burn others of our Barques.

Having thus incited the Kingdome of *Ireland*, and put his forces in order there againſt us, with all haſte he commeth to *England*.

In his parting, at the giving up of the Sword, he openly avowed our utter ruine and deſolation, in theſe or the like words, *If I returne to that honourable Sword, I ſhall leave of the* Scots *neither root nor branch.*

How ſoon he commeth to Court, as before he had done very evill offices againſt our Commiſſioners, cleering our proceedings before the poynt: So now he uſeth all means to ſtir up the King and Parliament againſt us, and to move them to a preſent war, according to the precedent, and example of his own making in the Parliament of *Ireland*. And finding that his hopes failed him, and his deſignes ſucceeded not that way, in his nimbleneſſe he taketh another courſe, that the Parliament of *England* may be broken up, and deſpiſing their wiſedome and authority, not onely with great gladneſſe accepteth, but uſeth all means that the conduct of the Army in the expedition againſt *Scotland*, may be put upon him; which accordingly he obtaineth as generall Captain, with power to invade, kill, ſlay, and ſave at his diſcretion, and to make any one, or moe Deputies in his ſtead, to do, and execute all the power and authorities committed to him.

According to the largeneſſe of his Commiſſion, and Letters Patents of his deviſing, ſo were his deportments afterwards; for when the *Scots*, according to their declarations ſent before them, were comming in a peaceable way, far from any intention to invade any of his Majeſties Subiects, and ſtill to ſupplicate his Majeſty for a ſetled peace, he gave order to his Officers to fight

with them on the way, that the two Nations once entred in bloud, whatſoever ſhould be the ſucceſſe, he might eſcape triall and cenſure, and his bloudy deſigns might be put in execution againſt his Maieſties Subiects of both Kingdomes.

When the Kings Maieſty was again enclined to hearken to our petitions, and to compoſe our differences in a peaceable way, and the Peers of *England* conveened at *Yorke*, had, as before, in their great wiſedome and faithfulneſſe given unto his Maieſties Counſels of peace, yet this firebrand ſtill ſmoaketh; and in that honorable Aſſembly, taketh upon him to breath out threatnings againſt us as Traytors, and enemies to Monarchiall government; that we be ſent home again in our bloud, and he will whip us out of *England*.

And as theſe were his ſpeeches in the time of the Treaty appointed by his Maieſty at *Rippon*, that if it had been poſſible, it might have been broken up: So when a Ceſſation of Arms was happily agreed upon there, yet he ceaſeth not, but ſtill his practiſes were for war; His under officers can tell who it was that gave them Commiſſion to draw near in Arms beyond the *Teeſe*, in the time of the Treaty at *Rippon*.

The Governour of *Barwicke*, and *Carlile* can ſhew, from whom they had their warrants for their Acts of hoſtility after the ceſſation was concluded. It may be tryed how it cometh to paſſe, that the Ports of *Ireland* are yet cloſed, our Country-men for the oath ſtill kept in priſon, traffique interrupted, and no other face of affairs, then if no ceſſation had been agreed upon.

We therefore deſire that your Lordſhips will repreſent to the Parliament, that this great incendiary upon theſe and the like offences, not againſt particular perſons, but againſt Kingdomes, and Nations, may be put to a tryall, and from their knowne and renowned juſtice, may have his deſerved puniſhment.

16. *December*, 1640. The

THE SCOTTISH Commiſsioners Demand concerning the Sixt ARTICLE.

CConcerning our Sixt demand, although it hath often come to paſſe that theſe two have been joyned by the bonds of Religion, and nature have ſuffered themſelves to be divided about the things of this World; and although our Adverſaries, who no leſſe labour the diviſion of the two Kingdomes then we do all ſeek peace, and follow after it, as our Common happineſſe, do preſume that this will be the partition wall to divide us, and to make us loſe all our labours taken about the former demand, wherein by the help of God, by his Maieſties Princely goodneſſe end Iuſtice, and your Lordſhips noble and equall dealing, we have ſo fully accorded, and to keep us from providing for a firm and well grounded Peace, by the wiſedome and juſtice of the Parliament of *England*, which is our greateſt deſire expreſſed in our laſt Demand. We are ſtill confident, that as we ſhall concerning this Article repreſent nothing but what is true, juſt, and honorable to both Kingdomes; So will your Lordſhips hearken to us, and will not ſuffer your ſelves, by any ſlanders or ſuggeſtions to be drawn out of that ſtraight and ſafe way wherein ye have walked ſince the beginning.

It

It is now, we ſuppoſe, known to all *England*, eſpecially to both the honorable Houſes of Parliament, and by the occaſion of this Treaty, more particularly to your Lordſhips, That our diſtreſſes in our Religion and Liberties, were of late more preſſing than we were able to bear, That our Complaints and Supplications for redreſſe, were anſwered at laſt with the terrors of an Army; That after a pacification greater preparations were made for war, whereby many Acts of Hoſtility were done againſt us, both by Sea and Land; The Kingdome wanted adminiſtration of Juſtice, and we conſtrained to take Arms for our defence; That we were brought to this extreme and intolerable neceſſity, either to maintain divers Armies upon our Borders againſt Invaſion from *England* or *Ireland*, ſtill to be deprived of the benefit of all the Courts of Juſtice, and not onely to maintain ſo many thouſands as were ſpoyled o their ſhips and goods, but to want all Commerce by Sea, to the undoing of Merchants, of Saylors, and many other who lived by Fiſhing, and whoſe Callings are upholden from hand to mouth by Sea trade: Any one of which evils is able in a ſhort time to bring the moſt potent Kingdome to Confuſion, Ruine, and Deſolation, how much more all the three at one time combined to bring the Kingdome of *Scotland* to be no more a Kingdome: Yet all theſe behoved We either to endure and under no other hope, than of the perfect ſlavery of our ſelves, and our poſterity, in our ſouls, Lives, and means; Or to reſolve to come into *England*, not to make any Invaſion, or with any purpoſe to fight, except we were forced, God is our Judge, our actions are our witneſſes, and *England* doth now acknowledge the truth, againſt all ſuſpicions to the contrary, and againſt the impudent lies of our enemies, but for our relief, defence, and preſervation which we could finde by no other means, when we had eſſayed all means, and had

a large expreſſed our pungent, and preſſing neceſſities, to the Kingdome and Parliament of *England*. Since therefore the war on our part (which is no other but our coming into *England* with a Guard) is defenſive, and all men do acknowledge, that in common equity, the defendant ſhould not be ſuffered to periſh in his juſt and neceſſary defence, but that the perſuer, whether by way of Legall proceſſe in the time of Peace, or by way of violence and unjuſt invaſion in the time of war, ought to bear the charges of the defendant. We truſt that your Lordſhips will think that it is not againſt reaſon for us to demand ſome reparation of this kinde, and that the Parliament of *England*, by whoſe wiſedome and juſtice we have expected the redreſſe of our wrongs, will take ſuch courſe, as both may in reaſon give us ſatisfaction, and may in the notable demonſtration of their Juſtice, ſerve moſt for their own honour.

Our earneſtneſſe in following this our Demand, doth not ſo far wrong our fight, and make us ſo undiſcerning, as not to make a difference between the Kingdome and Parliament of *England*, which did neither diſcerne nor ſet forward a Warre againſt us; And that prevalent faction of Prelates and Papiſts who have moved every ſtone againſt us, and uſed all ſorts of meaus, not onely their Counſells, Subſidies, and Forces, but their Church Canons and Prayers, for our utter ruine; which maketh them obnoxious to our juſt accuſations, and guilty of all the loſſes and wrongs which this time paſt we have ſuſtained: Yet this we deſire your Lordſhips to conſider, That the States of the Kingdome of *Scotland* being aſſembled, did endeavour by their Declarations, Informations, and Remonſtrances, and by the proceedings of their Commiſſioners, to make known unto the Councell, Kingdome, and Parliament of *England*, and to forewarn them of the miſchief intended againſt both Kingdomes, in their Religion and Liberties, by the Prelates and papiſts, to

the end that our Invaſion from *England* might have been prevented, if by the prevalency of the faction it had been poſſible. And therefore we may now with the greater reaſon and confidence preſſe our Demand; that your Lordſhips, the Parliament, the Kingdome, and the King himſelf, may ſee us repaired in our loſſes, at the coſt of that faction by whoſe means we have ſuſtained ſo much dammage; And which, except they repent, we finde ſorrow recompenced for our grief, torments for our toyl, and an infinite greater loſſe for the Tempoſall loſſes, they have brought upon a whole Kingdome, which was dwelling by them in peace.

All the devices and doings of our common enemies, were to bear down the truth of Religion, and the juſt liberties of the Subjects in both Kingdomes. They were confident to bring this about one of two wayes: Either by blocking us up by Sea and Land, to conſtrain us to admit their will for a law both in Church and Policy, and thus to make us a precedent for the like miſery in *England*, or by their Invaſion of our Kingdome, to compell us furiouſly, and without order, to break into *England*; That the two Nations once entred into a bloody Warre, they might fiſh in our troubled waters, and catch their deſired prey. But as we declared before our coming: We truſted that God would turn their wiſedome into fooliſhneſſe, and bring their devices upon their own pates, by our Intentions and Reſolutions to come into *England*, as among our Brethren, in the moſt peaceable way that could ſtand with our ſafety, in reſpect of our common enemies, to preſent our petitions for ſetling our peace, by a *Parliament* in *England*, wherein the intentions and actions, both of our adverſaries and ours, might be brought to light; The Kings Maieſty and the Kingdome rightly informed, The Authors and Inſtruments of our diviſions and troubles puniſhed, All the miſchiefs of a Nationall and doubtfull warre prevented, and Religion

and

and Liberty with greater peace and amity than ever before eſtabliſhed, againſt all the craft and violence of our enemies. This was our Declaration before we ſet our *England*, from which our deportments ſince have not varied. And it hath been the Lords wonderfull doing, by the wiſe counſels, and juſt proceedings of the Parliament, to bring it in a great part to paſſe, and to give us lively hopes of a happy concluſion: And therefore we will never doubt, but that the Parliament in their wiſedom and iuſtice, will provide that a proportionable part of the coſt and charges of a work ſo great and ſo comfortable to both Nations be born by the Delinquents there, that with the better conſcience the good people of *England* may ſit under their own Vines and Fig-trees, refreſhing themſelves, although upon our great pains and hazard, yet not altogether upon our coſt and charges, which we are not able to bear.

The Kingdome of *England* doth know and confeſſe that the innovation of religion and liberties in *Scotland*, were not the principall deſigne of our common enemies, but that both in the intention of the workers, whoſe zeal was hotteſt for ſetling their devices at home: and in the condition of the work, making us whom they conceived to be the weaker for oppoſition to be nothing elſe but a leading caſe for *England*. And that although by the power of God, which is made perfect in weakneſſe, they have found amongſt us greater reſiſtance than they did fear, or either they or our ſelves could have apprehended; Yet as it hath been the will of God that we ſhould endure the heat of the day, ſo in the evening the precious wages of the vindication of religion, liberties, and laws are to be received by both Kingdoms, and will enrich, we hope, to our unſpeakable ioy, the preſent age, and the poſterity with bleſſings that cannot be valued, and with the good people of *England*, eſteem more than treaſures of Gold, and willingly would have purchaſed with many thou-

ſands. We do not plead that conſcience and piety have moved ſome men to ſerve God upon their own coſt, and that juſtice and equity have directed others, where the harveſt hath been common to conſider the pains of labouring, and the charges of the ſowing; yet thus much may we ſay, that had a forraigne enemy, intending to reduce the whole Iſland into Popery, made the firſt aſſault upon her weakneſſe, we nothing doubt but the Kingdome of *England*, from their deſire to preſerve their Religion and liberties, would have found the way to bear with us the expence of our reſiſtance and lawfull defence, how much more being invaded, although not by *England*, yet from *England*, by common enemies, ſeeking the ſame ends, we expect to be helped and relieved.

We will never conceive that it is either the will or the weal and honour of *England*, that we ſhould go from ſo bleſſed a work, after ſo many grievous ſufferings, bearing on our backs the inſupportable burdens of worldly neceſſities and diſtreſſes, return to our Country empty, and exhauſted, in which the people of all ranks, ſexes, and conditions, have ſpent themſelves. The poſſeſſions of every man who devoted himſelf heartily to this cauſe, are burdened, not onely with his own perſonall and particular expence, but with the publike and common charges; of which, if there be no relief, neither can our Kingdom have peace at home, nor any more credit for Commerce abroad: Nor will it be poſſible for us, either to aid and aſſiſt our friends, or to reſiſt and oppoſe the reſtleſſe and working wickedneſſe of our enemies: The beſt ſort will loſe much of the ſweetneſſe of the enjoying of their religion and liberties, and others will run ſuch wayes, and undirect courſes as their deſperate neceſſity will drive them into. We ſhall be but a burthen to our ſelves, a vexation unto others, of whoſe ſtrength we deſire to be a conſiderable part, and a fit ſubject for our enemies to work upon for obtaining their now diſappointed, but never dying deſires.

We

We will not alledge the example of other Kingdomes, where the losses of necessary and just defence had been repaired by the other party. nor will we remember what help we have made, according to our abilities, to other reformed Churches; and what the kingdome of *England* of old and of late hath done to *Germany*, *France*, and *Holland*; nor do we use so many words, that *England* may be burthened, and we eased, or that this should be a matter of our Conconsnesse, and not of their Justice and kindnesse; Justice, in respect of our adversaries, who are the causes of the great misery and necessity to which we have been brought: kindenesse, in the supply of our wants who have been tender of the welfare of *England* as of our own, that by this equality and mutuall respect, both Nations may be supported in such strength and sufficiency, that we may be the more serviceable to his Majesty; and abound in every good work, both towards one another, and for the comfort and relieſe of the reformed Churches beyond the Seas, that we may all blesse God, and that the blessing of God may be upon us all.

The English Peers demand concerning the preceding Articles.

WHether this be a positive demand, or onely an intimation of the charge, thereby to induce the Kingdome of *England* to take your distressed estate into consideration, and to afford you some friendly assistance.

The Scottish Commissioners answer to the demand.

WE would be no lesse willing to bear our losses if we had ability, than we have been ready to undergo the hazard; But because the burden of the whole doth far exceed our strength. We have (as is more fully conceived in our Papers) represented to your Lordships our charges and losses, not intending to demand a totall repairation, but of such a proportionable part, as that we may in some measure bear the remanent, which we conceive your Lordships (having considered our reasons) will

judge to be a matter, not of covetouſneſſe, but of the ſaid Juſtice and kindeneſſe of the Kingdome of *England*.

Propoſition of the Peers to proceed to the other Demands during the debate of the Scottiſh loſſes.

THat in the Interim, whilſt the Houſes of Parliament take into conſideration your Demand of loſſes and dammages, you proceed to ſettle the other Articles of the peace and intercourſe betwixt the two Kingdomes.

Anſwer to the Peers Demand.

WE have repreſented our loſſes, and thereby our diſtreſſed condition ingenuouſly, and in the ſingleneſſe of our hearts, with very great moderation, paſſing over many things which to us are great burthens, that there might be no difficulty or cauſe of delay on our part, hoping that the honorable Houſes of Parliament would thereby be moved at their firſt convenience, to take the matter to their conſideration.

We do not demand a totall reparation, nor do we ſpeak of the payment, till we conſult about the ſetling of a ſolid peace, at which time the wayes of lifting and paying the money, may be conſidered; We do onely deſire to know what proportion may be expected. That this being once determined, and all impediments ariſing from our by-paſt troubles, removed, we may with the greater confidence, and more hearty conſent on both ſides, proceed to the eſtabliſhing of a firm and durable peace for time to come.

It is not unknown to your Lordſhips, what deſperate deſires, and miſerable hopes our adverſaries have conceived of a breach upon this Article; And we do foreſee what ſnares to us, and difficulties to your Lordſhips may ariſe upon the poſtponing, and laying aſide of this Article to the laſt place.

And therefore that our adverſaries may be out of hope, and

and we out of fear, and that the ſetling of peace may be the more eaſie: We are the more earneſt, that as the former articles have been, ſo this may be upon greater reaſons conſidered in its own place and order.

Your Lordſhips upon the occaſion of ſome motions made heretofore of the tranſpoſing of our Demands, do know, that not onely the ſubſtance, but the order of the propounding of them, is contained in our inſtructions. And as we can alter nothing without warrant, the craving whereof will take more time than the Houſes of Parliament will beſtow upon the conſideration of this Article. So are we acquainted with the reaſons yet ſtanding in force, which moved the ordering of this Demand. And therefore let us ſtill be earneſt with your Lordſhips, that there be no halting here, where the adverſaries did moſt, and we did leaſt of all, by reaſon of the juſtice and kindeneſſe of the Houſes of Parliament expect it.

Reſolved on the Queſtion.

THat this Houſe doth conceive, that the ſumme of three hundreth thouſand pounds is a fit proportion for that friendly aſſiſtance and relief, formerly thought fit to be given, towards the ſupply of the loſſes and neceſſities of our Brethren of *Scotland*. And that this Houſe will, in due time, take into conſideration the manner how, and the time when, the ſame ſhall be raiſed.

Anſwer of the Scots Commiſſioners.

WE intreat your Lordſhips, whoſe endeavours God hath bleſſed in this great work, to make known to the Parliament, that we do no leſſe deſire to ſhew our thankfulneſſe for their friendly aſſiſtance and relief, than we have been earneſt in demanding the ſame. But the thankfulneſſe which we conceive to be due,

due, doth not consist in our affections or words at this time; but in the mutuall kindenesse, and reall demonstrations to be expected from the whole Kingdome of *Scotland* in all time coming: and that not onely for the measure and proportion, which the Parliament hath conceived to be fit; and which (to begin our thankfulnesse now) we do in name of the whole Kingdome cheerfully accept of, but also for the kinde and Christian manner of granting it unto us, as to their Brethren, which addeth a weight above many thousands, and cannot be compensed but by paying their reciprocal love and duty of Brethren. And for the resolution to consider in due time of the raising of the same for our relief, which also maketh the benefit to be double. This maketh us confident that God (whose working at this time hath been wnoderfull) hath decreed the peace and amity of the two Kingdomes, and will remove all rubs out of the way, that our enemies, will at last despair to divide us, when they see that God hath joyned us in such a fraternity. And that divine providence will plentifully recompence unto the Kingdome of *England*, this their justice and kindenesse, and unto *Scotland* all their losses, which shall not by these and other means amongst our selves be repaired, but by the rich and sweet blessings of the purity and power of the Gospel, attended with the benefits of an unhappy and durable peace under his Majesties long and prosperous raigne, and of his royall posterity to all generations.

FINIS.

CAPTAINE AUDLEY MERVIN'S SPEECH:

Delivered in the upper Houſe to the LORDS, 24. of *May*, 1641.

MY LORDS,

Uch was the well compoſed Module and Beauty of thoſe Letters of Royall Grace and Favour, which by a ſelect Committee of both Houſes were treated upon, that to ſay, *you may be pleaſed to remember them*, were an injurie, eſpecially ſince the Argument of thoſe ſeverall Conferences were all ſealed up with this well-watranted opinion, that every word in them ought to be writ in Letters of gold, ingraved in braſſe, that preſent and ſucceeding times might read them with greedy eyes, ſpeaking in their owne Dialect, the Embleme of a moſt indulgent Prince, the Characters of Juſtice and Equity, and the Monument all Records of unparallel'd goodneſſe, triumphing in his Majeſties breaſt, as in the Spheare of their proper activity.

The Letter concerning the validity of our Parliament, and the ſecond concerning the Graces, are twins of a Royall birth, joyned in conjugall bonds by His Majeſty.

Graces without a valid and effectuall Parliament to confirme them, are but *Statu quo prius*; a Parliament without Graces is not to call idlers, that are piping and dancing in the Market, to work in the vineyard, but to call the labourers out of the vineyard, to pipe and dance in the Market place; or, if you pleaſe, almoſt as ill ſutable as a Parliament without Judicature.

Theſe two Letters ſo wedded, wee have lodged in one ſheet, I meane, included in one inſtrument, which being ready to be preſented in its owne Dimenſions, I will not now epitomize.

In the third and laſt Letter, demanding Preſidents from the upper Houſe of the Lords for their Judicature, His Majeſty ſpeakes harmoniouſly to us, though in a different key; hee is beautifull, though his brow be not ſo ſmoothly limb'd in it as in the former: for, certainly, it is an eminent policy in a Prince, and an evident happineſs to government, not to ſuffer poyſon to lodge in his eares, eſpecially ſuch a quick ſpreading and peſtilentiall poyſon as would eate out the *Baſis* and foundation of Parliaments, and putrefie thoſe nerves and ligatures by which His moſt Excellent Majeſty, and Wee his moſt loyall Subjects have ever been, are, and (maugre their black and fatall ſuggeſtions) ſhall be hypoſtatically united.

May it pleaſe your Majeſty,

Hic niger eſt, hunc tu, Romane, caveto.

My Lords, I muſt in the name of the Houſe of Commons intreat your patience, whilſt I preſent unto your Lordſhips a ruffe-drawn Map of the *Juriſdiction* of this high Court of Parliament.

I ſhall imitate a Lands-eape; firſt, ſhew it you re-

more

more; and in its primitive times, ſcarce diſcernable whether Land, or no Land; whether a Parliament, or no Parliament; then we ſhall ſaile neerer, untill wee come within certaine Cognizance to our owne times, nay, to this preſent houre; and then if wee ſhipwrack in the haven, if having beene befriended in the courſe of our Navigation by our ſailes, wee ſhall ſplit on our own Anchor, I meane, if in the computation of all times wee have had a Parliament unqueſtionable in ſubſtance, in forme, in all neceſſary adjuncts, and now, even now when eclipſed Juſtice, like the Sun impriſoned under a cloud, breaks forth with luſtre, be concluded in defect of Judicature, I ſay the ſtars have had malignant aſpects in this our Horizon.

But firſt (my Lords) ſince in the ſtrict words of the Letter, the houſe of the Lords ſeemes only intereſted, wee may bee thought to make an inrode upon your Priviledges, and to be pragmaticall without preſident, though not without preſumption:

Truely (my Lords) *Anima eſt tota in toto, & tota in qualibet parte.* Judicature is the Soule of this great compacted body, and enjoyes that diffuſive property.

The times were, when both Houſes ſate in one place, and had one Speaker, and ſince the power of Judicature muſt bee founded upon a preparatory Impeachment, and this preparatory Impeachment muſt be framed by the Commons Houſe, wee muſt juſtifie our ſelves not guilty of the title of fooles by the Wiſeman, to lay a foundation and never conſider by what means the ſtructure is to be finiſhed; nay, excuſe our ſelves from that generall remonſtrance of a generall Grievance, Extrajudiciall Proceedings.

Your Lordſhips are under his Majeſty the Chiefe, be pleaſed to admit us Members, though the feet; the health of theſe will much advantage the preſervation of the whole Compound; nay, on the contrary, the

Gout is as mortall and dolorous as the Head-ache.

Beſides (my Lords) our commenced proceeding againſt the parties impeached of high Treaſon, though ſeaſoned with much moderation and temper, are of ripe age, and bluſh to be kept in long coates, which are now ſuſpended; by which miſ-interpreted rumor of our Juriſdiction drawn into queſtion the Commons of this Kingdome openly proclaime, That to bee exceſſive vicious is to be ſecure, and that facts of Treaſon are above the cogniſance and puniſhment of the Acts of Reaſon, and the Lawes and Statutes of this Kingdome.

So (my Lords) it being out of diſpute (and yet deſiring not to bee miſconſtrued that wee would make ſtakes with you in your owne and proper Judicature) that we are deeply intereſted in this particular, I ſhall returne unto my firſt propoſition, and, ſurvey this high Court of Parliament. Parliament, did I ſay? From what *radix*? *Parler le ment*, the ſpeech of the mind. This muſt bee attended with judgment and reaſon; but I thinke wee ſpeake with none of theſe, if wee cannot maintaine our Juriſdiction: This is its Etymologie, which is warranted by the beſt Antiquarie of his time, *Vetuſto nomine, è Gallia mutato, Parliamentum dicitur.*

This high Court hath not been confined to this individuall appellation, but hath been chriſtned by ſeverall god-fathers.

Majores noſtri Anglo-Saxones intitled it, *Prudentum Conventus, Concilium, Magnus Conventus.* Succeeding Hiſtoriographers, *Commune Concilium, Curia Altiſſima, Generale Placitum, Curia magna, Magnatum Conventus, Commune totius regni Concilium, Præſentia Regis, Prælatorum, Procerumq; collectorum.*

But certainly, if they intended theſe flouriſhing titles to a Parliament without Judicature, they ſpoke of their riding to Parliament, not ſitting in it.

An

An unhappy Parliament: like the Citie *Mynda*, whose gates were so wide, that the Citie might run out of them.

To allow these to be Synonyma's of Parliament, and to disallow Judicature, were but, Jewish-like, to say, *All haile king of the Jewes*, and in the meane time, *Crucifie him*.

Neither (my Lords) are these up-started Titles, or new-bought Coates of Armes that this high Court blazons. No (my Lords) they are venerable for their Antiquitie, and of most ancient birth and extraction.

Mulmuccius, of some called *Donwallo*, did write two bookes of the Lawes of the *Brittons*, the one called *Statuta Municipalia*, the other *Leges Judiciariæ*, for so the same do signifie in the *British tongue*, wherein hee wrote the same, which is as much to say, as the *Statute Law* and *Common Law*; which bookes were written 441. yeares before the *Incarnation of Christ*, and how should there bee Statute Lawes without a Parliament? King *Alfred* ordained for a perpetuall usage, That twice in the yeare, or oftner if need bee, they should assemble themselves at *London*, to treate in Parliament of the government of the people of God, how they should keep themselves from sinne, should live in quiet, and receive right by holy Lawes and Judgements.

In the *Heptarchy*, Parliaments had their continuance, witnesse the stile of Parliaments in the time of *Ina* King of the *West-Saxons*: *Ego Ina Dei gratia, &c. Congregatione servorum Dei sollicitus de salute animarum vestrarum, & statu regni mei, constitui rectum conjugium & justa judicia pro stabilitate & confirmatione populi mei benigna sedulitate celebrari, & nullo Aldermano, vel alicui de toto regimine nostro liceat conscripta abolere judicia:* So did *Offa* King of the *Mercians*, and *Ethelbert* King of *Kent*.

In the raigne of King *Athelston*, his Acts of Parlia-

ment are ſtiled thus : *Hæc ſunt judicia Exonia quæ ſapientes Concilio Athelſtani Regis inſtituerunt, & iterum apud Freſheſham & tertia vice apud —— ubi hæc definita ſimul, & confirmata ſunt.* Here I finde a Parliament ſummoned, *Concilio Regis*, prorogu'd in thoſe words *Iterum & tertia vice*, the Royall aſſent in the words *Confirmata ſunt*, the diſſolution *Definita ſunt.*

King *Edgar* tells us they are *Inſtituta quæ Edgardus Rex concilio ſapientum, &c.*

King *Etheldred*, *Hoc eſt Concilium quod Etheldredus Rex & omnes ſapientes, &c.*

King *Edmond* cals it *Conventus Sapientum, Spiritualium & Temporalium.*

The Parliament of King *Canutus* at *Wincheſter* bore this Title : *Hæc ſunt ſtatuta Canuti Regis, Anglorum, Danorum, Norvegarum, venerando ejus ſapientum Concilio, ad laudem & gloriam Dei, & ſui regalitatem, & commune commodum, habita in ſancto natali Domini apud Wintoniam.*

Here wee begin to make Land, and deſcrie a viſible Title to a Parliament, being in ſubſtance and forme neerly allyed unto the Preſidents of theſe very times ; and though ſome will conteſt this word [Parliament] beares date but from the third yeare of *Edw.* 1. yet (me thinks) thoſe words in the ninth yeare of *Edw.* 2. being the immediate ſucceſſor to *Edw.* 1. might convince them, *viz. Sciatis quod quum dudum temporibus progenitorum noſtrorum quondam regum Angliæ in diverſis Parliamentis ſuis, &c.* which word [*Progenitorum*] had been improper, if that name had commenced in his fathers raigne.

In one word, time out of mind, this high Court and its Judicature hath flouriſhed before the Conqueſt, in the Conqueſt (notwithſtanding that *ſilent leges inter arma*) and ever ſince the Conqueſt, untill this preſent houre.

Me

Mee thinkes; I appeare in your Lordſhips eyes as one drawing his Sword, traverſing his ground, lying upon his guard, there being neither offence nor oppoſition to draw him into this diſtemper. Your Lordſhips may ſay, What need you wake ſo many ſleepy Records to prove Parliaments have been? who is it of ſo deſperate an opinion, that offers it in queſtion?

Truly (my Lords) I cannot name Him, or Them; but whoſoever they were that enſtill'd this jealouſie of Judicature into his Majeſties thoughts, did *ipſo facto* ſubvert Parliaments, and the ſtrong rooted rites therof.

Ariſtotle bids us not to diſpute, *utrum nix ſit alba*, and the like viſible and apparent truths; but if any Man of an obdurate judgment would have denied that there was *Anima Rationalis*, then *Ariſtotle* muſt prove there is *Homo*, and *Anima Rationalis* will bee drawne in by conſequence. Prove *Homo* prove a *Parliament*, and *Anima Rationalis*, which is *Judicature*, will be drawne in by conſequence: beſides, I am protected by the Verſe.

Judicis officium eſt ut res, ita tempora rerum
Quarere.

Next I muſt offer unto your Lordſhips that which the Law hath a tender reſpect unto, even the ends of Parliament:

Exitus acta probat.

Theſe I finde thus to bee capitulated by Sir *Edward Coke*, *Primò, ad ſubditos à delinquendo declinandos, hoc eſt, ut delicta tam bonis cautiſq; legibus, tam debita earundem executione anticiparentur*: now, if *debita executio legum* can be in Parliament inflicted upon *delinquentes ſubditos*, without legall proceedings and tryall, (except they will ſay nothing, and ſo bee preſt to death) I leave it to bee argued amongſt children.

2. *Ut tuta tranquillaq; ſit vita hominum*; but certainly the

the life of man is not preſerved by the impunity of offendors, which muſt paſſe, *ſublata judicatura.*

3. *Ut fixis quibuſdam ſanctionibus ſanctiſq; judicis jus unicuiq; fieret*; but whether *jus* implies not puniſhing malefactors as well as relieving the oppreſſed (*Crudelitas parcens*, being more deſtructive to the Commonweale, then *Crudelitas puniens*) I leave it to be argued among children.

Fleta ſaith, a Parliament is called *Terminare dubitationes judiciorum novis injuriis emerſis nova conſtituere remedia, unicuique prout meruerit juſtitiam retribuere.* Treaſon and Murther is *injuria*, Death and the loſſe of the offendors goods is *remedium*, the end of a Parliament is to apply this remedie. Then our Parliament muſt have a ſhort cut in tryall. Wee muſt condemne without hearing of any part, for why ſhould they hear, if they have no power to determine?

Having thus farre analyzed a Parliament, wee muſt conſider its Parentage, and then prove our claime to Judicature by the title of *Coheire* with the Parliament in *England*, which his Majeſties Progenitors have ever graciouſly confirmed unto us.

A Parliament then is a ſtructure founded upon the Common Lawes of *England*, as is manifeſt in its proceedings upon many tryals according to the courſe of the Common Lawes. It is the heire apparent to the Common Law, and parent of the Statute Law. To make this poſition paſſe for touch, I will give you the Teſt of that ancient and learned Author of the book intituled *Mirror de les Juſtices*, in his owne words, *Hoc cum ſit forum in hoc regno planè ſupremum, pars eſt ſtructuræ jurium municipalium, & nonnunquam ſecundum frequentem illum, & uſitatum in lege communi ordinem proceſſus habet.*

My Lords, ſince with your Lordſhips patience we are arrived unto this undeniable truth, I will now done

done our title to the Common Lawes of *England*, to the Statute Lawes of *England* before 10. *H.* 7. to the lawfull Cuſtomes of *England*, to the Courts of Juſtice in *England*, to the Writs Originall and Judiciall of *England*, and to the Preſidents of *England*, even from the high Court of Parliament, unto the petty Conſtables office.

The firſt knowledge the printed Statute gives us of *Magna Charta*, is in 9. *H.* 3. yet wee finde it inrolled in the red Booke of the Exchequer. 3. King *John*.

King *John* in the 12. yeare of his raigne went into *Ireland*, and there attended with the advice of grave and learned men in the Laws, (whom he carryed with him) *de communi omnium de Hybernia conſenſu*, which is to be underſtood of Parliament, ordained and eſtabliſhed that *Ireland* ſhould be governed by the Lawes of *England*.

I find *in Rotulo Patentum* 11. *H.* 3. thus written, *Rex &c. Baronibus, militibus, & omnibus liberè tenentibus, Salutem. Satis ut credimus veſtra audivit diſcretio, quod quando bonæ memoriæ Johannes quondam Rex Angliæ pater noſter venit in Hyberniam, ipſe duxit ſecum viros diſcretos, & legiſperitos, quorum communi Concilio, & ad inſtantiam Hybernenſium ſtatuit & præcipit leges Anglicanas in Hybernia, ita quod leges eaſdem in ſcripturas redactas reliquit ſub ſigillo ſuo ad Scaccarium* Dublin.

Shall I repeate the very words recorded, *Rot. Patent.* 18. *H.* 3. *Rex, &c. Comitibus, Baronibus militibus & liberis hominibus, & omnibus aliis de terra Hybernia, Salutem. Quia manifeſtè eſſe dignoſcitur contra coronam & dignitatem noſtram, & conſuetudines, & leges regni noſtri Angliæ, quas bonæ memoriæ Dominus Johannes Rex, Pater noſter, de communi omnium de Hybernia conſenſu teneri ſtatuit in terra illa, quod placita teneantur de curia Chriſtianitatis, de advocationibus, Eccleſiarum, & Capellarum, vel de Loci feodo, vel de Catallis quæ non ſunt teſtamento, vel ma-*

trimonio. Vobis mandamus prohibentes quatenus hujusmodi placita in Curia Christianitatis nulla tenus sequi præsumatis in manifestum dignitatis, & Coronæ nostræ præjudicium: Scituri pro certo quod si fecerit, dedimus in mandatis Judiciario nostro Hyberniæ, Statuta Curiæ nostræ in Anglia contra transgressiones hujus mandati nostri cum justitia procedat, & quod nostrum est exequatur. Teste Rege apud Winchomb. 28. Octob. an. regni 18.

My Lords, I have read this Roll at large, becaus perceive a holy indignation in this Prince, that the Officers of this Kingdome would hold Pleas not sutable in every respect unto the Laws, and Customes of *England*, adjudging the practise to be *in manifestum dignitatis & Coronæ nostræ præjudicium.* Then observe the warning piece, *Vobis mandamus prohibentes, &c.* then the punishment, *Scituri pro certo, &c.* but the Judges in those dayes were not so acute and subtle, as to demand a president for their punishment in case they had incurred it. Yet the Sophisters of Law in this Kingdome may finde that King not unprovided with his answer; for the words are *Dedimus in mandatis, &c. Statuta Curiæ nostræ in Anglia contra transgressiones, &c.* So that then the Statutes and Rules of the Courts in *England*, may be Presidents both for triall and punishment.

Rot. Pat. 30. H. 3. Rex, &c. pro communi utilitate terræ Hyberniæ & pro unitate terrarum, provisum est quod omnes leges & consuetudines quæ in regno Angliæ tenentur, in Hybernia teneantur, & eadem terra eisdem legibus subjaceat, ac per easdem regatur, sicut Johannes Rex cum illic esset, statuit, & firmiter mandavit. Ideo volumus quod omnia brevia de communi jure, quæ currant in Anglia similiter currant in Hybernia sub novo sigillo Regis: Here are the old Lawes and Writs, differing in nothing but in a new Seale; which I wonder none of our witty Informers take advantage of to make it an essentiall difference.

13. *H.* 1. *Coram rege in longo placito*, I reade *una & eadem esse debet Lex tam in regno Anglie, quam Hybernie.*

My Lords, I will adde but this Quotation (which I hapned upon this morning) 2. *Rich.* 3. *fol.* 12. *in Camera stellata, Terra Hybernie inter se habet Parliamentum, & omnimodas Curias prout in Anglia, & per idem Parliamentum facit leges, & mutat leges, & illi de eadem terra non obligantur per Statuta in Anglia, quia hi non habent milites Parliamenti.* Here is a grant of Parliament paſt unto us of this Kingdome with all his appurtenances, rites, and members, as they were formerly; or now held by the Subjects of *England* from or by his Majeſty.

Pray (my Lords) why are theſe cleere records preſerved to poſterity? to raiſe, or to confirme doubts?

That then their Parliaments are the very ſtarres which we muſt ſaile by; their Preſidents, the meridian ſun wee muſt obſerve to finde the Latitude of our proceedings by, the laſt rehearſed rols proclaimed unto the world.

In its Etymologie it is *Altiſsima Curia*, but how ill-favouredly this name becomes it, if one Juſtice of Aſſize may heare and determine capitall offences, and this *Altiſsima Curia*, not have power of a grand Jury to him to finde *Billa vera.*

Yet aske this Juſtice of Aſsize by what preſident in this Kingdome he adventures upon this ſervice. Aske of the Juſtice of Peace by what Preſidents hee takes notice of Preſentments, Indictments, awards the *alias*, the *plures Capias*, and his Preſidents muſt take ſhipping out of *England.*

Inquire of the Court of Chancery for its Preſidents of Equity, for the Preſidents of Writs and Judgements. Inquire of the Kings Bench for a Preſident in *Ireland*, for a Wager of battaile in an appeale. Inquire of

the Courts of Common-pleas for their Preſidents in any of their rules of Court; Nay inquire of the petty Conſtable by what Preſident in *Ireland* hee executes his office, nay, for the carrying of his painted ſtaffe and they will returne but ſtarved and hungry arguments, except they ſhip their Preſidents out of *England*.

But admit (my Lords) wee had no intereſt in the Preſidents of *England*, were it not *durus ſermo*, that the long and well ſettled rites of Parliament ſhould fall to the ground for want of a Preſident, which undoubtedly hath power in it ſelfe to make a Preſident not repugnant to Law?

Who knowes not but in the former darke and Tragicall times, that all, or the moſt part of the Rolls, and Records of this Kingdome were kept in *Bremingham's* Tower, and that the end of them was the Antitype of the end of the world, even a diſſolution by fire; ſome layd in horſe loades in every corner of the ſtreets for Dung-hill-rakers to pick antiquities up, and Taylors to make meaſures of.

This Epidemicall conſumption of our Records was a fatall and diſmall injury to this Kingdome in it ſelfe; but it will wound us afreſh, if our ſelves and poſterity for want of them (though no fault in us then unborne) ſhould permit Treaſons, Rapines, Murthers, Diſturbers of the King, Kingdome and Common-weale, not onely paſſe with impunity, but be eſtabliſhed in the greateſt places of Judicature, as if Treaſon were the ſquare of the Law, and Allegeance become Treaſon.

Praiſed be Almighty God, this Kingdome is not ſo barren of the Profeſſors of the Law, but I ſee thoſe perſons in my eyes, that can with more reſpect unto the dignity of His Majeſties Crowne, with more regard unto his Majeſties moſt Sacred and inviolable Oath, with more content to the whole Kingdome, perſonate the King, amiable to his people in the diſ-

penſation

penſation of Juſtice in the High Offices of the Judges impeached.

Yet (my Lords) notwithſtanding the Bonefires of our Rolls, I will offer one Preſident or two, by which the ancient Judicature of the Parliament in this Kingdome will appeare in triumphant colours.

In a Parliament held in this Kingdome in *Hen.* 5. time, *Richard O Heydan* Biſhop of *Caſhell* was impeached in 30. Articles by *John Geſe* Biſhop of *Waterford*; 3. Articles were, for counterfeiting the Kings Seale, for counterfeiting the Kings Letters Patent, for endeavouring to make himſelfe King of *Munſter*; ſo that the Parliaments in this Kingdome have not been confined to tryall of petty Larcenies, and moſt properly ſhould puniſh with the Sword, committing the rod to every pedantick Schoolemaſter.

In another Parliament held in this Kingdome in *Ed.* 2. Sir *Arnold Poore* was tryed for killing the Lord *Bonevaile*, and by ſentence of that High Court was acquitted, it being found it was done in his own defence.

My Lords, the Treaſons in this kingdome formerly practiſed have beene by hoſtile invaſion for the moſt part, and were ſtruck dead by the plaine Letter of the Law; the next block or tree was the Tribunall they appeared before.

Parliaments were but rare and Infant-like, and frighted with the claſhing of Armes from one place to another, and untill King *JAMES* of bleſſed memory ſate at the Steerage of our weather-beaten Ark, our Dove never brought in her Olive-branch, ſo that there could hardly be time allowed for a ſolemn tryall, if the occaſion had been offered.

The manner of thoſe Treaſons reſemble the forcible taking of a mans purſe upon the high-way: theſe Treaſons that wee ſhall have to ſift, are more like cut-purſing, they ſmile in our faces whilſt their hands dive

into our pockets: the event is one, The loſſe of our moneys; and though they be taken napping, they will ſweare they meant us no harme.

——*Latet Anguis in herba.*

The firſt man that ever ſuffred for Treaſon, if want of a Preſident would excuſe him, might have begot Traytors to the third, and fourth generation with impunity. My houſe hath taken fire, I call for water to quench it; I would ſuppoſe him mad that would adviſe mee to let it burne to the ground, becauſe my neighbour would not quench his; and therefore I want a Preſident.

We will impute it unto the integrity of thoſe times that have not foſtred ſuch unbounded ſpirits to attempt ſuch crimes as might leave Preſidents of this Nature.

It is (my Lords) Juſtice that thoſe who will renew Preſidents of long buried crimes, ſhould renew or create Preſidents of deſerved tryall, and puniſhment.

My Lords, I have muſtered ſome few Arguments in vindication of the Judicature of the Parliament in this Kingdome, they are valid enough for the intricacie of the queſtion: Where tacks will ſerve, what needs tenpenny nayles? A good face wants no band. A valid Parliament wants no aſſertions for its Juriſdiction; and ſuch is this preſent Parliament, as is manifeſt in one of the Royall letters I mentioned in the beginning of this diſcourſe, declaring the effectuall validity thereof in an Emphaticall ſenſe.

There is nothing now left (my Lords) but that as I have ſpent ſome time in ſcanning a Parliament with Judicature, ſince *Contraria, contrariis oppoſita magis eluceſcunt* wee may caſt a ſmiling eye upon that pretty ſilken bugbeare of State, a Parliament without Judicature.

Curia altiſsima, muſt be *Curia infima*; *Curia magna*, muſt

muſt be *Curia minima*. It will reſemble a ſword with guilt hilts, and a blade made of a larth. Whereas then all Courts were derived from it, now all Courts may inſult upon it.

My Lords, I leave to your Lordſhips conſideration the cloth of State, (which no man ought to name without reverence) whether it will not eſteeme it ſelfe in a deplorable, and widowed eſtate for the death of her onely conſort, *JUDICATURE*. Like the ſingle Turtle it mournes, whilſt the Cuſhions of the Touleſale prick up their eares.

My Lords, me thinks, the Lyons roare, the ſtrings of the Harps break and ſound in diſcord, the Flower de Luces wither to bee ſtretch'd out, in a place *ſans* Judicature. None ſits under that Pavilion that beares the Sword in vaine. The high-priz'd tincture of your Lordſhips robes begins to fade, the Ermins loſe their complexion, if they loſe their Judicature.

That wel-becomming title to a Nation, *Peerage*, begins to hang down its head, and bluſh, and curſes the influences in its nativity, if it ſhould come to ſuch an untimely end.

Your Speaker may ſtudy ſilence, and report that to himſelfe which he never read nor heard of, *A Parliament without JUDICATURE*.

The Right reverend Biſhops may retire into the Convocation houſe, the reverend Judges, that ſit attendants on your houſe, in reſpect of thoſe intricate myſteries in Judicature that happen to be diſcuſs'd before this Tribunall (though moſt venerable in their own Spheare) ſit like ſo many Plovers prick'd down for Stales, with this Motto, *Videntur et non ſunt*.

We of the Houſe of Commons, that were hitherto ſtiled *Prudentum Conventus*, may impeach with little wit, & you remedy us with as little power; imitating *Baal's* Prieſts, cut and lance our ſelves, contribute our Eſtates, our Studies, our lives for his Majeſties ever-

ever-prayed for happineſſe; *Call* and *Call* to their *gods* that could not help them, *Impeach* and *Impeach*, and demand Juſtice from our titular Lords, that can neither helpe themſelves nor us.

My Lords, the Common-Law ſpeakes our Parliament and its Judicature, the Statute Lawes confirme it, Preſidents ſtrengthen it; Reaſon, even undeniable reaſon fortifies it: What Magick is there then, that the caſe is thus altered?

If it lies in the degrees of the perſons impeacht, hear then the Statute of *Marlebridge*, 52. *H.* 3. *Proviſum eſt, concordatum et conceſſum, quod tam majores, quam minores juſtitiam habeant, et recipiant in Curia Domini Regis.*

Yet their offices may offer ſome things in conſideration: My Lords, the late Lord Keeper in *England* will not come in to diſpute this point afore the Parliament: and Sir *Robert Belknap*, one of the Judges of the Common-Pleas, was put to baniſhment by the Parliament for ſubſcribing an opinion againſt Law, though forc'd by a dagger held to his breſt; and the reſt of the Judges that ſubſcribed the ſame were put to death. Areaſon I forgot that wee may bee excus'd for want of Preſidents, if there be any ſurviving. The parties impeach'd have taken a courſe for that, and by an order of the Chancery had them in their owne cuſtody, ſince their Impeachment, ſince the Maſter of the Rolls death unto this preſent houre. Poore *David*, poore Houſe of Commons muſt encounter *Goliah*; nay *Goliah*, and yet *Goliah* muſt have his owne Sword and Speare, nay *Sauls* Armor, the Kings evidences, nay *Davids* poore ſling; this I humbly preſent to your Lordſhips conſideration. My Lords, *England* will not envy, that wee plead an equall intereſt in their Lawes, but rejoyce to ſupport us, eſpecially in parliamentary proceedings, his Majeſty will conceive the vanity of thoſe, that, taking advantage of his princely mind involv'd in

multiplicity

multiplicity of weighty affaires, would raiſe ſuch dangerous doubts. Obſerve but one word in the *Rot. Pat.* 30. *H.* 3. *Rex, &c. pro communi utilitate terræ Hyberniæ, et pro unitate terrarum, proviſum eſt, quod omnes leges, et conſuetudines.* You ſee the confirming and enacting of the Lawes and Cuſtomes of *England* to bee of force in *Ireland*, was, *pro utilitate terræ Hyberniæ, et pro unitate terrarum*; the Union of Lawes being the beſt unity of Kingdomes. Thoſe then that would tread under feet the wiſedome of thoſe times ſo fortunately commenced, and continued, may be judged as the Incendiaries of Nations, and the Plagiaries of Government. My Lords, out of what I have ſaid, this infallible Maxime may be drawn of the High Court of Parliament, *Si vetuſtatem ſpectes eſt antiquiſsima, ſi dignitatem eſt honoratiſsima, ſi Juriſdictionem eſt capaciſsima.*

In the laſt place, I preſent unto your Lordſhips theſe three Inſtruments, being thrice ſeverally read, maturely debated, and ſolemnly voted in our Houſe, to receive their perfection, and maturity by ſuch proceedings in this moſt honourable Houſe, as ſhall be ſutable to your approved Judgements.

FINIS.

Sr. HENRY VANE His SPEECH, At a Committee for the Bill againſt Epiſcopall Government, *Jun.* 11. 1641.

Maſter *Hide*,

THe debate we are now upon is, whether the Government by Archbiſhops, Biſhops, Chancellors, &c. ſhould bee taken away out of the Church and kingdome of *England*: For the right ſtating whereof, we muſt remember the vote which paſt yeſterday, not onely by this Committee, but the Houſe, which was to this effect: That this Government hath bin found by long experience, to be a great impediment to the perfect reformation and growth of Religion and very prejudiciall to the Civill State.

So that then the Queſtion will lie thus before us, Whether a Government, which long experience hath ſet ſo ill a Character upon, importing danger, not onely to our Religion, but the Civill State, ſhould bee any longer continued amongſt us, or be utterly aboliſhed? For my owne part, I am of the opinion of thoſe, who conceive that the ſtrength of reaſon already ſet downe in the Preamble to this Bill by yeſterdayes vote, is a neceſſary deciſion of this Queſtion:

ſtion: For one of the maine ends for which Church-government is ſet up, is to advance and further the perfect reformation and growth of Religion, which we have already voted this Government doth contradict; ſo that it is deſtructive to the very end for which it ſhould be, and is moſt neceſſary and deſireable; in which reſpect, certainly we have cauſe enough to lay it aſide, not onely as uſeleſſe, in that it attaines not its end, but as dangerous, in that it deſtroyes and contradicts it.

In the ſecond place, wee have voted it prejudiciall to the Civill State, as having ſo powerfull and ill an influence upon our Lawes, the Prerogative of the King, and liberties of the Subject, that it is like a ſpreading leproſie, which leaves nothing untainted, and uninfected which it comes neere.

May wee not therefore well ſay of this Governement, as our Saviour in the fifth of *Matthew* ſpeakes of ſalt, (give me leave upon this occaſion to make uſe of Scripture, as well as others have done in this debate) where it is ſaid that ſalt is good; *But if the ſalt hath loſt its ſavour, wherewith will you ſeaſon it? It is thenceforth good for nothing, but to be caſt out, and troden under foot of men:* So Church-government, in the generall, is good, and that which is neceſſary, and which we all deſire; but when any particular form of it hath once loſt its ſavour, by being deſtructive to its owne ends, for which it is ſet up, (as by our vote already paſſed we ſay this hath) then ſurely, Sir, we have no more to doe but to caſt it out, and endevour, the beſt we can, to provide our ſelves a better.

But to this it hath been ſaid, that the Government now in queſtion, may be ſo amended and reformed, that it needs not be pulled quite downe or aboliſhed becauſe it is conceived, it hath no originall ſin, or evill in it: or if it have, it is ſaid, regeneration will take that away.

Unto which I anſwer, I do conſent that we ſhould do with this Government, as we are done by in regeneration, in which all old things are to paſſe away, and all things are to become new; and this we muſt doe, if we deſire a perfect reformation, and growth of our Religion, or good to our civill ſtate. For the whole Fabrick of this building is ſo rotten and corrupt, from the very foundation of it to the top, that if we pull it not down now, it will fall about the eares of all thoſe that endevour it, within a very few yeares.

The univerſall rottenneſſe or corruption of this government, will moſt evidently appeare by a diſquiſition, into theſe enſuing particulars.

Firſt, Let us conſider in what ſoile this root grows; Is it not in the Popes Paradiſe? doe not one and the ſame principles and grounds maintaine the Papacie, or univerſall Biſhop as do our Dioceſan or Metropolitan Biſhops? All thoſe authorities which have beene brought us out of the Fathers and antiquity, will they not as well, if not better, ſupport the Popedome as the order of our Biſhops? So likewiſe all theſe arguments for its agreeableneſſe to Monarchy, and cure of Schiſme, doe they not much more ſtrongly hold for the acknowledgement of the Pope, then for our Biſhops? And yet have Monarchies beene ever a whit the more abſolute for the Popes univerſall Monarchie? or their Kingdoms leſſe ſubject to ſchiſmes and ſeditions? whatſoever other kingdomes have beene, I am ſure our Hiſtories can tell us, this Kingdome hath not: and therefore we have caſt him off long ſince, as hee is forraine, though wee have not beene without one in our owne bowels. For the difference between a Metropolitan, or Dioceſan, or univerſall Biſhop, is not of kinds, but of degrees: and a Metropolitan or Dioceſan Biſhop is as ill able to performe the duty of a Paſtor to his Dioceſſe or Province, as the Univerſall Biſhop

Biſhop is able to doe it to the whole world: For the one cannot doe but by Deputies, and no more can the other; and therefore ſince wee all confeſſe the grounds upon which the Papacie ſtands are rotten, how can we deny but theſe that maintain our Biſhops are ſo too, ſince they are one and the ſame?

In the ſecond place, let us conſider by what hand this root of Epiſcopacy was planted and how it came into the Church.

It is no difficult matter to finde this out; for is not the very ſpirit of this Order a ſpirit of pride, exalting it ſelfe in the Temple of God, over all that is called God? Firſt, exalting it ſelfe above its fellow Presbyters, under the form of a Biſhop; then over its fellow Biſhops, under the title of Archbiſhops, and ſo ſtill mounting over thoſe of its owne profeſſion, till it come to be Pope, and then it ſticks not to tread upon the necks of Princes, Kings, and Emperours, and trample them under its feet. Alſo thus you may trace it from its firſt riſe and diſcerne by what ſpirit this Order came into the Church, and by what doore, even by the back-doore of pride and ambition, not by Chriſt Jeſus. It is not a plant which Gods right hand hath planted, but is full of rottenneſſe and corruption; that myſtery of iniquity, which hath wrought thus long, and ſo fit to be plucked up, and removed out of the way.

Thirdly, Let us conſider the very nature and quality of this tree or root in its ſelfe, whether it be good or corrupt in its own nature: We all know where it is ſaid, *A good tree cannot bring forth corrupt fruit, nor a corrupt tree good fruit. Do men gather grapes of thornes, or figs of thiſtles?* By its fruit therefore we ſhall be ſure to know it; and according as the fruits of the Government have beene amongſt us, either in Church or Common wealth, ſo let it ſtand, or fall with us.

In the Church.

1 AS it ſelfe came in by the back-doore into the Church, and was brought in by the ſpirit of Antichriſt; ſo it ſelfe hath been the back-doore and in-let of all ſuperſtition and corruption into the worſhip and doctrine of this Church, and the meanes of haſtening us back againe to Rome. For proofe of this, I appeale to all our knowledges in late yeares paſt, the memorie whereof is ſo freſh, I need enter into no particulars.

A ſecond fruit of this Government in the Church, hath been the diſplacing of the moſt godly and Conſcientious Miniſters; the vexing, puniſhing, and baniſhing out of the Kingdome the moſt religious of all ſorts and conditions, that would not comply with their ſuperſtitious inventions and ceremonies; in one word, the turning the edge and power of their Government againſt the very life and power of Godlineſſe, and the favour and protection of it unto all profane, ſcandalous, and ſuperſtitious perſons that would uphold their party: Thouſands of examples might be given of this, if it were not moſt notorious.

A third fruit hath bin Schiſme and Fractions within our ſelves, and Alienation from all the reformed Churches abroad.

And laſtly, the prodigious monſter of the late Canons, whereby they had deſigned the whole Nation to a perpetuall ſlavery and bondage to themſelves, and their ſuperſtitious Inventions: Theſe are the fruits of the Government in the Church. Now let us conſider theſe in the Civill State: As,

1. The countenancing all illegall Projects and proceedings, by teaching in their pulpits the lawfulneſſe of an arbitrary Power.

2 The

2 The overthrowing all proceſſe at Common Law, that reflected never ſo little upon their Courts.

3 The kindling a warre betweene theſe two Nations, and blowing up the flame, as much as in them lay, by their Counſels, Canons, and Subſidies they granted to that end.

4 The Plots, Practiſes, and Combinations during this Parliament, in all which they ſeeme to have been intereſted more or leſſe.

Thus have they not contented themſelves with encroachments upon our ſpirituall priviledges, but have envied us our civill freedome, deſiring to make us grind in their mill, as the *Philiſtims* did *Sampſon*, and to put out both our eyes: O let us be avenged of theſe *Philiſtims* for our two eyes!

If then the tree be to bee knowne by its fruits, I hope you ſee by this time plainly the nature and quality of this tree.

In the laſt place, give me leave for a cloſe of all to preſent to your conſideration the miſchiefes, which the continuance of this Government doth threaten us with, if by the wiſedome of this Committee they be not prevented.

Firſt, the danger our Religion muſt ever be in, ſo long as it is in the hands of ſuch Governours as can ſtand firmly in nothing more then its ruine; and whoſe affinity with the Popes Hierarchie makes them more confident of the Papiſts, then the profeſſors of the reformed Religion, for their ſafety and ſubſiſtence.

Secondly, the unhappy condition our Civill State is in, whilſt the Biſhops have vote in the Lords houſe, being there as ſo many obſtructions, in our body Politicke, to all good and wholeſome Lawes tending to ſalvation.

Thirdly, the improbability of ſettling any firme or durable peace ſo long as the cauſe of the warre

yet

yet continues, and the bellowes that blow up this flame.

Laſtly, and that which I will aſſure you goes neareſt to my heart, is the check which we ſeeme to give to Divine Providence, if we doe not at this time pull downe this Government. For hath not this Parliament been called, continued, preſerved, and ſecured by the immediate finger of God, as it were for this work? had we not elſe beene ſwallowed up in many inevitable dangers, by the practiſes and deſignes of theſe men and their party? Hath not God left them to themſelves, as well in theſe things, as in the evill adminiſtration of their Government, that he might lay them open unto us, and lead us, as it were, by the hand, from the finding them to be the cauſes of our evill, to diſcerne that their rooting up muſt be our onely cure? Let us not then halt any longer between two opinions, but with one heart and reſolution give glory to God, in complying with his providence, and with the good ſafety and peace of this Church and State, which is by paſſing this Bill we are now upon.

FINIS.

Mr. Speakers SPEECH,

WITH

HIS MAJESTIES

SPEECH

TO BOTH HOUSES

OF

PARLIAMENT,

At the paſsing of the Bill
for *Tonnage* and *Poundage*:

BEING

An Anſwer to Mr. SPEAKERS
Speech at the preſenting thereof,
22. *June* 1641.

Printed in the yeare, 1641.

C R
HONI SOIT QVI MAL Y PENSE

Mr. SPEAKERS SPEECH In the LORDS Houſe of Parliament, *June* 22. 1641.

THat policy, moſt gratious and dread Soveraigne, which weighs the Prerogative of the King and property of the Subject in the ſame Scales, and increaſes the plenty of the Crowne, and contentment of the people; the even poiſing of this Beame enables both, the one being ordained for the preſervation of the other.

This principle is ſo riveted into the hearts of your Subjects by the Acts of their Anceſtours, & traditions of their fore-fathers, that it hath created a beliefe in them, that their wills are bound to a due allegiance, and their fortunes and eſtates, as well as their duty and ſubjection, muſt bend to the Commands of that Soveraigne power with which God hath inveſted your ſacred Majeſtie.

Compulſary obedience, advanced by the tranſcendent power of Prerogative, is too weake to ſupport the right of government: It is the affections & eſtates of your people, tyed with the threads of obedience, by the rules of Law, that faſtens ſafety and proſperity to the Crowne.

The experiment of elder times, in the raignes of

the moſt valiant puiſſant Princes, hath concluded this the Soveraigne preſervative againſt the diſeaſes of diſtraction and confuſion, and makes it manifeſt to the world, that the honour and glory of this Throne is to command the hearts of free-men.

This admitted, the permiſſion of the leaſt diminution, or any eclipſed interpoſition betweene the honour and plenty of the Crowne, contracts a Scorne upon the Nation.

Severall Parliaments in former times have ſtampt the Character of a free gift upon the fore-front of this aid, ſtill offered by the people, as a ſacrifice of thanks-giving to the Crowne, for the ſafe conduct of your Merchants, and proviſion of the Navie, to ſtrengthen your undoubted dominion over the ſeas, which hath protected your Allyes, and is a terrour to your Enemies.

Our hopes were long ſince to have ſettled this for the meaſure and the time, and with this to have preſented to your ſacred Majeſtie the triumphant palme of Tranquillity in all your Kingdomes: But, as a ſhip floating upon a rough Sea, we have been caſt upon the Rock of feare and dangers, and toſſed on the Billows of diſtraction and diſtruſt of Church and Commonwealth, where we yet remaine hopeleſſe ever to paſſe through that narrow channell which leads to the Haven of Peace, unleſſe we be ſpeedily ſteered on by the hand of your ſacred wiſdome, care and providence.

In the midſt of all theſe troubles, and the ſeverall opinions which have beene amongſt us, no diviſion had power to diſtract any one of us from the care and duty we owe to your ſacred Perſon.

And

And, to that end am I now ſent by the Commons of England, to preſent this as a Marke onely, whereby your ſacred Majeſtie may view the inward duties of our hearts, untill time and opportunity will give leave for a further expreſſion of our duties and affections. The acceptation of this Gift will glad the hearts of your people, and the approbation by the royall aſſent of this Bill (being the largeſt for the meaſure which was ever given) will joyne wings to our deſires and hopes, which ſhall never returne without that Olive-leafe, which may declare that the waters are abated, and your ſacred Majeſtie may have full aſſurance of the faith and loyaltie of your Subjects.

FINIS.

His MAJESTIES Speech to both houſes of Parliament, June 22. 1641.

I Do very willingly accept your offer made at this time, as a teſtimonie of your love, and beginning of your dutifull affections unto mee; And I no way doubt, but that you will performe that which you have intimated unto mee, and that in due time you will performe the reſt, when you have leiſure.

I doe not doubt likewiſe, but that in paſſing this Bill you will ſee a teſtimonie of the truſt and confidence I have in your affections, as alſo that I omit no occaſion whereby I may ſhew that affection to my People, that I deſire my people would ſhew to mee, as in this Parliament hitherto no bodie can ſay but that I have ſought occaſions both to ſhew my affections unto them, and to remove diſputes.

And therefore in this particular Bill I hope you

you wil know that I do freely & frankly give over the right which my Predeceſſours have ever challenged unto them (though I confeſſe diſputed, but yet they did never yeeld in their times); Therefore you will underſtand this but a marke of my confidence to put my Selfe wholly upon the love & affection of my people for my ſubſiſtence; And therefore I hope that in proſecution of this, you will go on as you have ſaid; and that, though you have rumors of jelouſies and ſuſpitions, by flying and idle diſcourſes, that have come to my eares, concerning the ordinary way, I confeſſe I never underſtood otherwiſe then as having relation to the Scotiſh armie, and preventing Inſurrection; which vaniſhed as ſoone as they were borne.

And therefore now you ſee my clearneſſe, I will leave that to you, and will not meddle with it one way or other, for I never had other deſigne but to win the affections of my people by my Juſtice in my Government.

FINIS.

THE SPEECH OR DECLARATION OF JOHN PYM, Esq. &c.

My Lords,

MAny dayes have beene ſpent in maintenance of the Impeachment of the Earle of Strafford, by the Houſe of Commons, whereby he ſtands charged with High Treaſon: And your Lordſhips have heard his Defence with Patience and with as much favour as Juſtice would allow: We have paſſed through our Evidence, and the Reſult of all this is, that it remaines clearly proved, That the Earle of Strafford hath indeavoured by his words, actions, and counſells, to ſubvert the Fundamentall Lawes of England and Ireland, and to introduce an Arbitrary and Tyrannicall Government.

This is the envenomed Arrow for which he inquired in the beginning of his Replication this day, which hath infected all his Blood: This is that Intoxicating Cup, (to uſe his owne Metaphor) which hath tainted his Judgement, and poiſoned his Heart:

From hence was infuſed that Specificall Difference which gi[ve] ned his Speeches, his Actions, his Counſels into Treaſon Cumulative, as he expreſt it, as if many Miſdemeanours [have] make one, Treaſon; but Formally and Eſſentially. It is [the] that doth enforme Actions, and doth ſpecificate the nature of them, making not onely criminall, but even indifferent words and actions to be Treaſon, being done and ſpoken with a Treaſonable intention.

That which is given to mee in charge, is, to ſhew the quality of the offence, how hainous it is in the nature, how miſchievous in the effect of it; which will beſt appeare if it be examined by that Law, to which he himſelfe appealed, that univerſall, that ſupreame Law, Salus populi: This is the Element of all Lawes, out of which they are derived; the End of all Laws, to which they are deſigned, and in which they are perfected. How farre it ſtands in oppoſition to this Law, I ſhall endevour to ſhew in ſome Conſiderations which I ſhall preſent to your Lordſhips, all ariſing out of the Evidence which hath beene opened.

1. The firſt is this: It is an offence comprehending all other offences; here you ſhall finde ſeverall Treaſons, Murthers, Rapines, Oppreſſions, Perjuries.

The Earth hath a Seminary vertue, whereby it doth produce all Herbs and Plants, and other Vegetables: There is in this Crime, a Seminary of all Evills hurtfull to a State; and if you conſider the Reaſons of it, it muſt needs be ſo: The Law is that which puts a difference betwixt good and evill, betwixt juſt and unjuſt; If you take away the Law, all things will fall into a confuſion, every man will become a Law to himſelfe, which in the depraved condition of humane nature, muſt needs produce many great enormities: Luſt will become a Law, and Envy will become a Law, Covetouſneſſe and Ambition will become Lawes; and what dictates, what deciſions ſuch Lawes will produce, may eaſily be diſcerned in the late Government of Ireland: The Law hath a power to prevent, to reſtraine, to repaire evills; without this, all kind of miſchiefes and diſtempers will breake in upon a State.

the Law that doth intitle the King to the Allegeance and
f his people, it intitles the people to the protection
ice of the King. It is God alone who ſubſiſts by him-
ll other things ſubſiſt in a mutuall dependence and rela-
tion. Thales was a wiſe man that ſaid, that the King ſubſiſted by the field that is tilled: It is the labour of the people that ſupports the Crowne: If you take away the protection of the King, the vigour and cheerefulneſſe of Allegeance will be taken away though the Obligation remaine.

The Law is the Boundary, the Meaſure betwixt the Kings Prerogative, and the peoples Liberty: Whiles theſe move in their owne Orbe, they are a ſupport and ſecurity to one another; The Prerogative a cover and defence to the Liberty of the people, and the people by their Liberty are enabled to be a foundation to the Prerogative; but if theſe bounds be ſo removed, that they enter into conteſtation and conflict, one of theſe miſchiefes muſt needs enſue: If the Prerogative of the King overwhelme the Liberty of the people, it will be turned into Tyranny; if Liberty undermine the Prerogative, it will grow into Anarchy.

The Law is the ſafegard, the cuſtody of all private intereſt: Your Honours, your Lives, your Liberties and eſtates are all in the keeping of the Law; without this, every man hath a like right to any thing, and this is the condition into which the Iriſh were brought by the Earle of Strafford: And the reaſon which hee gave for it, hath more miſchiefe in it than the thing it ſelfe, They were a Conquered Nation. There cannot be a word more pregnant & fruitfull in Treaſon, than that word is: There are few Nations in the world that have not bin conquered; and no doubt but the Conqueror may give what Lawes he pleaſe to thoſe that are conquered: But if the ſucceeding Pacts and Agreements doe not limit and reſtraine that right, what people can be ſecure? England hath been conquered, and Wales hath been conquered, and by this reaſon will be in little better caſe than Ireland. If the King by the Right of a Conqueror gives Laws to his people, ſhall not the people by the ſame reaſon be reſtored to the right of the conquered, to recover their liberty if they can? What can be more hurtfull, more permitious to both, then ſuch propoſitions as theſe?

And in theſe particulars is determined the firſt Conſidera

2. The ſecond Conſideration is this : This Arbitrary p
dangerous to the Kings Perſon, and dangerous to his C
•It is apt to cheriſh ambition, uſurpation, and
men, and to beget ſedition and diſcontent in the People ; and
both theſe have been, and in reaſon muſt ever be cauſes of great
trouble and alteration to Princes and States.

If the Hiſtories of thoſe Eaſterne Countries be peruſed, where Princes order their affaires according to the miſchievous principles of the E. of Strafford, looſe and abſolved from all Rules of Government, they will be found to be frequent in combuſtions, full of Maſſacres, and of the tragicall ends of Princes. If any man ſhall looke into our owne Stories, in the times when the Lawes were moſt neglected, he ſhall find them full of Commotions, of Civill diſtempers ; whereby the Kings that then reigned, were alwayes kept in want and diſtreſſe ; the people conſumed with Civill warres : and by ſuch wicked Counſells
• as theſe, ſome of our Princes have beene brought to ſuch miſerable ends, as no honeſt heart can remember without horrour, and earneſt Prayer, that it may never be ſo againe.

3. The third Conſideration is this, The ſubverſion of the Lawes ; And this arbitrary power, as it is dangerous to the Kings Perſon and to his Crowne, ſo is it in other reſpects very prejudiciall to his Majeſty in his Honour, Profit, and greatneſſe ; and yet theſe are the gildings and paintings that are put upon ſuch Counſels ; Theſe are for your Honour, for your Service ; whereas in truth they are contrary to both : But if I ſhall take off this varniſh, I hope they ſhall then appeare in their owne native deformity, and therefore I deſire to conſider them by theſe Rules.

It cannot be for the honour of a King, that his ſacred authority ſhould be uſed in the practiſe of injuſtice & oppreſſion ; that his Name ſhould be applyed to patronize ſuch horrid crimes, as have beene repreſented in Evidence againſt the Earle of Strafford ; and yet how frequently, how preſumptuouſly his Commands, his Letters have beene vouched throughout the courſe of this Defence, your Lordſhips have heard. When the

Judges

s doe juſtice, it is the Kings Iuſtice, and this is for his ho- becauſe he is the Fountaine of Iuſtice : but when they uſtice, the offence is their owne : But thoſe Officers and s of the King, who are moſt officious in the exerciſe of ver, they doe it commonly for their advan- tage; and when they are queſtioned for it, then they fly to the Kings intereſt, to his direction : And truly my Lords, this is a very unequall diſtribution for the King, that the diſhonour of evill courſes ſhould be caſt upon him, and they to have the ad- vantage.

The prejudice which it brings to him in regard of his profit, is no leſſe apparant : It deprives him of the moſt beneficiall, and moſt certaine Revenue of his Crowne, that is, the voluntary aids and ſupplies of his people ; his other Revenues, conſiſting of goodly Demeanes, and great Manors, have by Grants beene alienated from the Crowne, and are now exceedingly dimini- ſhed and impaired : But this Revenue it cannot be ſold, it can- not be burdened with any Penſions or Annuities, but comes in- tirely to the Crowne. It is now almoſt fifteene yeeres ſince his Majeſty had any aſſiſtance from his people ; and theſe illegall wayes of ſupplying the King were never preſt with more vio- lence, and art, then they have beene in this time ; and yet I may upon very good grounds affirme, that in the laſt fifteene yeeres of Queene Elizabeth, ſhe received more by the Bounty and Affection of her Subjects, then hath come to His Majeſt es Cof- fers by all the inordinate and rigorous courſes which have beeN taken. And as thoſe Supplies were more beneficiall in the Re- ceipt of them, ſo were they like in the uſe and imployment of them.

Another way of prejudice to his Majeſties profit, is this : Such Arbitrary courſes exhauſt the people, and diſable them, when there ſhall be occaſion, to give ſuch plentifull ſupplyes, as otherwiſe they would doe. I ſhall need no other proofe of this, then the Iriſh Government under my L. of Strafford, where the wealth of the kingdome is ſo conſumed by thoſe horrible exacti- ons and burdens, that it is thought the Subſidies lately granted will amount to little more then halfe the proportion of the laſt Subſidies. The two former wayes are hurtfull to the Kings pro-

fit, in that reſpect which they call Lucrum Ceſſans, by nothing his receipts; But there is a third, fuller of miſchiefe it is in that reſpect which they call Damnum emergens, creaſing his diſburſements: Such irreguler and exho attempts upon the Liberties of the people, a[illegible] ſuch miſerable diſtractions and diſtempers, as will put the King and kingdomes to ſuch vaſt expences and loſſes in a ſhort time, as will not be recovered in many yeeres: Wee need not goe farre to ſeeke a proofe of this, theſe two laſt yeares will be a ſuffieient evidence, within which time I aſſure my ſelfe, it may be proved, that more Treaſure hath beene waſted, more loſſe ſuſtained by his Majeſty and his Subjects, then was ſpent by Queene Elizabeth in all the War of Tyrone, and in thoſe many brave Attempts againſt the King of Spaine, and the royall aſſiſtance which ſhe gave to France, and the Low-Countries, during all her Reigne.

As for Greatneſſe, this Arbitrary power is apt to hinder and impaire it, not onely at home, but abroad. A kingdome is a ſociety of men conjoyned under one Government, for the common good: The World is a ſociety of kindomes and States. The Kings greatneſſe conſiſts not onely in his Dominion over his Subjects at home, but in the influence which hee hath upon States abroad, That he ſhould bee great even among Kings, and by his wiſedome and authority ſo to incline and diſpoſe the affaires of other States and Nations, and thoſe great events which fall out in the World, as ſhall be for the good of Mankind, and for the peculiar advantage of his owne people. This is the moſt glorious, and magnificent greatneſſe, to be able to relieve diſtreſſed Princes, to ſupport his owne friends and Allies, to prevent the ambitious deſignes of other Kings; and how much this Kingdome hath beene impaired in this kinde, by the late miſchievous counſels your Lordſhips beſt know, who at a neere diſtance, and with a more cleare ſight, doe apprehend theſe publique and great affaires, then I can doe. Yet thus much I dare boldly ſay, that if his Majeſtie had not with great wiſedome and goodneſſe forſaken that way wherein the Earle of Strafford had put him, we ſh ould within a ſhort time have beene brought into that miſerable condition, as to have beene vſeleſſe to our friends, contemptible to our enemies,

and

capable of undertaking any great Deſigne either at home or abroad.

A fourth Conſideration is, That this Arbitrary and Tyrannicall Power, which the Earle of Strafford did exerciſe in his owne perſon, and to which he did adviſe his Majeſty, is inconſiſtent with the Peace; the Wealth, the Proſperity of a Nation; It is deſtructive to Iuſtice, the Mother of Peace; to Induſtry, the ſpring of Wealth; to Valour, which is the active vertue whereby the proſperity of a Nation can onely be procured, confirmed and inlarged.

It is not onely apt to take away Peace, and ſo intangle the Nation with Warres, but doth corrupt Peace, and puts ſuch a malignity into it, as produceth the Effects of warre. We need ſeeke no other proofe of this, but the Earle of Straffords Government, where the Iriſh, both Nobility and others, had as little ſecurity of their Perſons or Eſtates in this peaceable time, as if the Kingdome had beene under the rage and fury of warre.

And as for Induſtry and Valour, who will take paines for that, which when hee hath gotten, is not his owne? Or who fight for that wherein he hath no other intereſt, but ſuch as is ſubject to the will of another? The Ancient encouragement to men that were to defend their Countries was this, That they were to hazard their Perſon, pro Aris & Focis, for their Religion, and for their Houſes; But by this Arbitrary way which was practiſed in Ireland, and counſelled here, no man had any certainty, either of Religion, or of his Houſe, or any thing elſe to be his owne; But beſides this, ſuch Arbitrary courſes have an ill operation upon the courage of a Nation, by embaſing the hearts of the people: A ſervile condition doth for the moſt part beget in men a ſlaviſh temper and diſpoſition. Thoſe that live ſo much under the Whip and the Pillory, and ſuch ſervile Engines, as were frequently uſed by the Earle of Strafford, they may have the dregs of valor, ſullenneſſe, and ſtubbornneſſe, which may make them prone to Mutinies, and diſcontents; but thoſe Noble and gallant affections, which put men on brave Deſignes and Attempts for the preſervation or inlargement of a Kingdome, they are hardly capable of. Shall it be Treaſon to embaſe the Kings Coyne, though but a piece

of twelve-pence, or six-pence, and must it not needs [illegible] of a greater Treason, to embase the spirits of his Subjects [illegible] to set a stamp and Character of servitude upon them, [illegible] they shall be disabled to doe any thing for [illegible] King or Common-wealth?

The fifth Consideration is this, That the exercise of this Arbitrary Government, in times of sudden danger, by the invasion of an enemy, will disable his Majesty to preserve himselfe and his Subjects from that danger. This is the only pretence by which the Earle of Strafford, and such other mischievous Counsellours would induce his Majesty to make use of it; and if it be unfit for such an occasion, I know nothing that can be alledged in maintenance of it.

When warre threatens a Kingdome by the comming of a forraine Enemy, it is no time then to discontent the people, to make them weary of the present Government, and more inclineable to a Change; The supplies which are to come in this way, will be unready, uncertain; there can be no assurance of them, no dependence upon them, either for time or proportion: And if some money be gotten in such a way, the Distractions, Divisions, Distempers, which this course is apt to produce, will be more prejudiciall to the publique safety, than the supply can advantagious to it; and of this we have had sufficient experience the last Summer.

The sixt, That this crime of subverting the Lawes, and introducing an Arbitrary and Tyrannicall Government, is contrary to to the Pact and Covenant betwixt the King and his people. That which was spoken of before, was the legall union of Allegeance and Protection; this is a personall union by mutuall agreement and stipulation, confirmed by oath on both sides: The King and his people are obliged to one another in the neerest relations; He is a Father, and a childe is called in Law, Pars Patris: He is the Husband of the Common-wealth, they have the same interests, they are inseparable in their condition, be it good or evill; He is the Head, they are the Body; there is such an incorporation as cannot be dissolved without the destruction of both.

When

When Iuſtice Thorpe, in Edward the thirds time, was by the Parliament condemned to death for Bribery, the reaſon of that judgement is given, becauſe he had broken the Kings Oath, not that he had broken his owne oath, but that hee had broken the Kings oath, that ſolemne and great obligation, which is the ſecurity of the whole Kingdome: If for a Iudge to take a ſmall ſumme in a private cauſe, was adjudged Capitall, how much greater was this offence, whereby the Earle of Strafford hath broken the Kings Oath in the whole courſe of his government in Ireland, to the prejudice of ſo many of his Majeſties Subjects, in their Lives, Liberties, and Eſtates, and to the danger of all the reſt?

The Doctrine of the Papiſts, Fides non eſt ſervanda cum Hæreticis, is an abominable Doctrine; yet that other Tenet more peculiar to the Ieſuits is more pernicious, whereby Subjects are diſcharged from their oath of Allegeance to their Prince whenſoever the Pope pleaſeth; This may be added to make the third no leſſe miſchievous and deſtructive to humane ſociety, then either of the reſt; That the King is not bound by that oath which he hath taken to obſerve the Lawes of the Kingdome, but may when he ſees cauſe, lay Taxes and Burthens upon them without their conſent, contrary to the Lawes and Liberties of the Kingdome. This hath beene preached and publiſhed by divers; And this is that which hath beene practiſed in Ireland by the Earle of Strafford, in his government there, and endevoured to be brought into England, by his Counſell here.

The ſeventh is this; It is an offence that is contrary to the end of Government; The end of Government was to prevent oppreſſions; to limit and reſtraine the exceſſive power and violence of great men, to open the paſſages of Iuſtice with indifferency towards all; This Arbitrary power is apt to induce and incourage all kinde of inſolencies.

Another end of Government, is to preſerve men in their Eſtates, to ſecure them in their Lives and Liberties; but if this Deſigne had taken effect, and could have beene ſetled in England, as it was practiſed in Ireland, no man would have had more certainty in his owne, then power would have allowed him: but theſe two have been ſpoken of before, there are two behind more important, which have not yet beene touched.

It is the end of Governement, that vertue ſhould [illegible] vice ſuppreſt ; but where this Arbitrary and unlimited Power is ſet up, a way is open not onely for the ſecurity, but for the advancement and incouragement of evill ; Such men as are moſt for the execution and maintenance of this Power, are onely capable of preferment ; and others who will not be inſtruments of any unjuſt commands, who make a conſcience to doe nothing againſt the Lawes of the Kingdome, and liberties of the Subject, are not onely not paſſable for imployment, but ſubject to much jealouſie and danger.

It is the end of Government, that all accidents and events, all Counſells and Deſignes ſhould be improved to the publique good : But this Arbitrarie Power is apt to diſpoſe all to the maintenance of it ſelfe. The wiſdome of the Counſell Table, the Authority of the Courts of Iuſtice, the induſtry of all the Officers of the Crowne have beene moſt carefully exerciſed in this ; the Learning of our Divines, the Iuriſdiction of our Biſhops have beene moulded and diſpoſed to the ſame effect, which though it were begun before the E. of Straffords Imployment, yet it hath beene exceedingly furthered and advanced by him.

Vnder this colour and pretence of maintaining the Kings Power and Prerogative many dangerous practiſes againſt the peace and ſafetie of this kingdome have beene undertaken and promoted. The increaſe of Popery, and the favours and incouragement of Papiſts have beene, and ſtill are a great grievance and danger to the Kingdome : The innovations in matters of Religion, the uſurpations of the Clergie, the manifold burdens and taxations upon the people, have beene a great cauſe of our preſent diſtempers and diſorders ; and yet thoſe who have beene chiefe Furtherers and Actors of ſuch Miſchiefes, have had their Credit and Authority from this, That they were forward to maintaine this Power. The E. of Strafford had the firſt riſe of his greatneſſe from this, and in his Apologie and Defence, as your Lordſhips have heard, this hath had a maine part.

The Royall Power, and Majeſtie of Kings, is moſt glorious in the

the prosperitie and happineſſe of the people ; the perfection of all things conſiſts in the end for which they were ordained, God onely is his owne end, all other things have a further end beyond themſelves, in attaining whereof their owne happineſſe conſiſts : If the meanes and the end be ſet in oppoſition to one another, it muſt needs cauſe an impotency and defect of both.

The eight Conſideration is, The vanitie and abſurdity of thoſe excuſes and juſtifications which he made for himſelfe, whereof divers particulars have been mentioned in the courſe of his Defence. 8

1. That he is a Counſellor, and might not be queſtioned for any thing which he adviſed according to his conſcience ; The ground is true, there is a liberty belongs to Counſellors, and nothing corrupts Counſels more then Fear ; Hee that will have the priviledge of a Counſellor, muſt keepe within the iuſt bounds of a Counſellor ; thoſe matters are the proper ſubiects of Counſell, which in their times and occaſions, may be good or beneficiall to the King or Common-wealth ; But ſuch treaſons as theſe, the ſubverſion of the Lawes, violation of Liberties, they can never be good, or iuſtifiable by any circumſtance, or occaſion; and therefore his being a Counſellor, makes his fault much more hainous, as being committed againſt a greater Truſt, and in a way of much miſchiefe and danger, leſt his Maieſties conſcience and iudgement (upon which the whole courſe and frame of his Government doe much depend) ſhould be poyſoned and infected with ſuch wicked principles and deſignes : And this hee hath endeavoured to doe, which by all Lawes, and in all times hath in this Kingdome beene reckoned a Crime of an High Nature.

2. Hee labours to intereſt your Lordſhips in his cauſe, by alledging, It may be dangerous to your ſelves, and your Poſterity, who by your birth are fitteſt to be neare his Maieſty, in places of truſt and Authority, if you ſhould be ſubiect to be queſtioned for matters delivered in Counſell. To this was anſwered, that it was hoped their Lordſhips would rather Labour to ſecure themſelves, and their poſteritie, in the exerciſe of their vertues, then of their vices, that ſo they might together

with their owne honour and greatneſſe, preſerve the honour and greatneſſe, both of the King and kingdome.

3. Another excuſe was this, that whatſoever he hath ſpoken was out of a good intention; Sometimes good and evill, truth and falſhood lie ſo neare together, that they are hardly to be diſtinguiſhed: Matters hurtfull and dangerous may be accompanied with ſuch circumſtances as may make it appeare uſefull and convenient, and in all ſuch caſes, good intention will juſtifie evill Counſell; But where the matters propounded are evill in their owne nature, ſuch as the matters are wherewith the Earle of Strafford is charged, to breake a publique faith, to ſubvert Laws and Government, they can never be juſtified by any intentions, how ſpeeches, or good ſoever they be pretended.

4. Hee alledgeth it was a time of great neceſſitie and danger, when ſuch counſels were neceſſarie for preſervation of the State. Neceſſitie hath beene ſpoken of before, as it relates to the Cauſe; now it is conſidered as it relates to the Perſon; if there were any neceſſitie, it was of his owne making; he by his evill counſell had brought the King into a neceſſitie, and by no Rules of Juſtice, can be allowed to gaine this advantage by his owne fault, as to make that a ground of his juſtification, which is a great part of his offence.

5. He hath often inſinuated this, That it was for his Majeſties ſervice in maintenance of that Soveraigne Power with which he is intruſted by God for the good of his people. The Anſwer is this, No doubt but that Soveraigne Power wherewith his Majeſtie is intruſted for the publique good, hath many glorious effects, the better to inable him thereunto; But without doubt this is none of them, That by his owne will he may lay any Taxe or Impoſition upon his people without their conſent in Parliament. This hath now been five times adjudged by both Houſes: In the Caſe of the Loanes, In condemning the Commiſſion of Exciſe, In the Reſolution upon the Saving offered to be added to the Petition of Right, In the ſentence againſt Manwaring, and now lately, In condemning the Shipmoney; And if the Soveraigne power of the King can produce no ſuch effect as this, the Allegation of it is an Aggravation, and no Diminution of his offence,

offence, becauſe thereby he doth labour to intereſt the King a-gainſt the juſt grievance and complaint of the People.

6. This Counſell was propounded with divers limitations, and Proviſions; for ſecuring and repairing the libertie of the people. This implies a contradiction to maintaine an Arbitrary and abſolute Power, and yet to reſtraine it with limitations, and proviſions; for even thoſe limitations and proviſions will be ſubject to the ſame abſolute Power, and to be diſpenſed in ſuch manner, and at ſuch time, as it ſelfe ſhall determine; let the grievances and oppreſſions be never ſo heavy, the Subject is left without all remedie, but at his Majeſties owne pleaſure.

7 He alledgeth, they were but words, and no effect followed. This needs no anſwer, but that the miſerable diſtempers into which he hath brought all the three Kingdomes, will be evidence ſufficient that his wicked Counſels have had ſuch miſchievous effects within theſe two or three laſt yeeres, that many yeeres peace will hardly repaire thoſe loſſes, and other great miſchiefes which the Common-wealth hath ſuſtained.

Theſe excuſes have been collected out of the ſeverall parts of his Defence; perchance ſome others are omitted, which I doubt not have beene anſwered by ſome of my Collegues, and are of no importance, either to perplex or to hinder your Lordſhips judgement, touching the hainouſneſſe of this Crime.

The ninth Conſideration is this, That if this be Treaſon, in the nature of it, it doth exceed all other Treaſons in this, that in the Deſigne, and endeavour of the Author, it was to be a conſtant & permanent Treaſon; other Treaſons tranſient, as being confined within thoſe particular Actions and Proportions wherein they did conſiſt, and thoſe being paſt, the Treaſon ceaſeth.

The Powder-treaſon was full of horror and malignity, yet it is paſt many yeeres ſince; The murder of that Magnanimous and glorious King, Henry the fourth of France, was a great and horrid Treaſon; And ſo were thoſe manifold attempts againſt Qu. Elizabeth of bleſſed memory; but they are long ſince paſt, the Deteſtation of them onely remaines in Hiſtories, and in the

minds of men; and will ever remaine; But this Treason, [illegible] taken effect, was to be a ſtanding, perpetuall Treason, which would have beene in continuall act, not determined within one time or age, but tranſmitted to Poſterity, even from one generation to another.

10 The tenth conſideration is this, That as it is a Crime odious in the nature of it, ſo it is odious in the judgement and eſtimation of the Law; to alter the ſetled frame and conſtitution of Government, is Treaſon in any eſtate; The Lawes whereby all other parts of a Kingdome are preſerved, ſhould be very vaine and defective, if they had not a power to ſecure and preſerve themſelves.

The forfeitures inflicted for Treaſon by our Law, are of Life, Honor, and Eſtate, even all that can be forfeited, and this Priſoner having committed ſo many Treaſons, although he ſhould pay all theſe forfeitures, will be ſtill a Debtor to the Common-wealth: Nothing can be more equall, then that hee ſhould periſh by the Iuſtice of that Law which hee would have ſubverted; Neither will this be a new way of blood; There are markes enough to trace this Law to the very originall of this Kingdome: And if it hath not beene put in execution, as he allegeth, this 240. yeers, it was not for want of Law, but that all that time hath not bred a man bold enough to commit ſuch Crimes as theſe; which is a circumſtance much aggravating his offence, and making him no whit leſſe liable to puniſhment, becauſe he is the onely man that in ſo long a time hath ventured upon ſuch a Treaſon as this.

It belongs to the charge of another to make it appeare to your Lordſhips, that the Crimes and offences proved againſt the Earle of Strafford, are High Treaſon by the Lawes and Statutes of this Realme, whoſe learning and other abilities are much better for that ſervice. But for the time and manner of performing this, we are to reſort to the Direction of the houſe of Commons, having in this which is already done, diſpatched all thoſe inſtructions which we have received; and concerning further proceedings, for clearing all Queſtions and Objections in Law, your Lordſhips will heare from the Houſe of Commons in convenient time.

FINIS.

Mr. St. JOHN's Argument.

My Lords,

THE Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament have paſſed a Bill for the attainting of *Thomas* Earle of *Strafford* of High-Treaſon. The Bill hath beene tranſmitted from them to your Lordſhips. It concernes not him alone, but your Lordſhips and the Commons too, though in different Reſpects.

It is to make him as miſerable a man, as man or Law can make him.

Not loſſe of life alone, but with that, of honour, name, poſterity, and eſtate; Of all that's deare to all.

To uſe his owne expreſſion, an eradication of him both root and branch, as an *Achan*, a troubler of the State, as an execrable, as an accurſed thing.

This Bill, as it concernes his Lordſhip, the higheſt that can be in the penall part, ſo doth it on the other ſide as highly concerne your Lordſhips and the Commons in that which ought to be the tendreſt, the Judicatory within, that that judge not them who judge him: And in that which is moſt ſacred amongſt men, the publick Juſtice of the Kingdome.

The Kingdome is to be accounted unto for the loſſe of the meaneſt member, much more for one ſo neare the head.

The Commons are concerned in their Account for what is done, your Lordſhips in that which is to be done.

The buſineſſe therefore of the preſent Conference, is to acquaint your Lordſhips with thoſe things that ſatisfied the Commons in paſſing of this Bill, ſuch of them as have come

within my capacity, and that I can remember, I am commanded from the Commons at this time to present unto your Lordſhips.

My Lords, in Judgements of greateſt moment, there are but two wayes for ſatisfying thoſe that are to give them, Either the *Lex lata*, the Law already eſtabliſhed, Or elſe the uſe of the ſame power for making new Lawes, whereby the old at firſt received life.

In the firſt conſideration, of the ſetled Lawes; In the degrees of puniſhment the poſitive Law received by generall conſent, and for the common good, is ſufficient to ſatisfie the conſcience of the Judge in giving judgement according to them.

In ſeverall Countreys there is not the ſame meaſure of puniſhment for one and the ſame offence. Wilfull murder in *Ireland* is Treaſon, and ſo is the wilfull burning of a houſe or ſtack of Corne. In the Iſle of *Man*, it's felony to ſteale a Hen, but not to ſteale a Horſe; and yet the Judge in *Ireland* hath as juſt a ground to give judgement of high Treaſon in thoſe Caſes there, as here to give judgement only of felony, and in the Iſle of *Man* of felony for the Hen, as here of petty Larceny.

My Lords, in the other conſideration of uſing the Supreame power, the ſame Law gives power to the Parliament to make new Lawes, that enables the inferiour Court to judge according to the old. The rule that guides the conſcience of the Inferiour Court is from without, the preſcripts of the Parliament and of the Common Law; in the other the rule is from within; That *ſalus populi* be concerned; That there be no wilfull oppreſſion of any the fellow members, that no more blood be taken than what is neceſſary for the Cure, the Laws and Cuſtomes of the Realme as well enable the exerciſe of this, as of the ordinary and judiciall power.

My Lords, what hath beene ſaid, is becauſe that this proceeding of the Commons by way of Bill, implyes the uſe of the meere *Legiſlative* power, in reſpect new Lawes are for the moſt part paſt by Bill.

This, my Lords, though juſt and Legall, and therefore not wholly excluded, yet it was not the only ground that put the

Commons

Commons upon the Bill, they did not intend to make a new Treaſon, and to condemne my Lord of *Strafford* for it, they had in it other Conſiderations likewiſe, which were to this effect.

1 Firſt, the Commons knew that in all former ages, if doubts of Law aroſe upon caſes of great and generall Concernment, the Parliament was uſually conſulted withall for reſolution; which is the reaſon that many Acts of Parliament are only declarative of the Old Law, not introductive of a new, as the great Charter of our Liberties; the Statute of the five and twentieth yeere of *Edward* the third, of Treaſons; the Statute of the Prerogative, and of late the petition of Right. If the Law were doubtfull in this Caſe, they conceived the Parliament (where the old may bee altered, and new Lawes made) the fitteſt Judge to cleare this doubt.

2 Secondly, my Lords, they proceeded this way to out thoſe ſcruples and delayes, which through diſ-uſe of proceedings of this nature might have riſen in the manner and way of proceeding, ſince the Statute of the firſt of *Henry* the fourth, the ſeventeenth chapter, and more fully in the Roll, number 144. The proceedings in Parliament have uſually beene upon an Inditement firſt found, though in Caſes of Treaſon particularly mentioned in the Statute of the five and twentieth yeare of *Edward* the third, which had not beene done in this Caſe: Doubts likewiſe might riſe for Treaſons, not particularly mentioned in the Statute of 25. *Edw.* 3. whether the declaratory power of Parliament be taken away, and if not taken away, in what manner they were to be made, and by whom. They finde not any Attainders of Treaſon in Parliament for neere this 200 yeeres, but by this way of Bill. And againe, they knew that whatſoever could be done any other way, it might be done by this.

3 Thirdly, in reſpect of the proofes and depoſitions that have beene made againſt him; for firſt, although they knew not but that the whole Evidence which hath beene given at the Barre, in every part of it is ſufficiently comprehended within the Charge, yet if therein they ſhould be miſtaken, if it ſhould prove otherwiſe, uſe may juſtly be made of ſuch Evidence in this way of Bill, wherein ſo as Evidence be given in, it's no

way requiſite that there ſhould have beene any Article or Charge at all. And ſo in the Caſe of double Teſtimony upon the Statute of the firſt of *Edward* the ſixt, whether one direct witneſſe with others to Circumſtances, had beene ſingle or double Teſtimony; and although ſingle Teſtimony might be ſufficient to ſatisfie private Conſciences, yet how farre it would have been ſatisfactory in a judiciall way where formes of Law are more to be ſtood upon, was not ſo cleare; whereas in this way of Bill private ſatisfaction to each mans Conſcience is ſufficient, although no evidence had been given in at all.

My Lords, the proceeding by way of Bill, it was not to decline your Lordſhips Juſtice in the judiciall way; In theſe Exegencies of the State and Kingdome, it was to husband time by ſilencing thoſe doubts: they conceived it the ſpeedieſt and the ſureſt way.

My Lords, Theſe are in effect, the things the Commons took into their Conſideration, in reſpect of the manner, and way of proceeding againſt the Earle. In the next place I am to declare unto your Lordſhips, the things they took into their Conſideration, in reſpect of the matter and merits of the Cauſe; They are compreheended within theſe ſix heads.

1. That there is a treaſon within the Statute of 25. *E.* 3. by Levying of warre upon the matter of the fifteenth Article.

2. If not by actuall levying of war, yet by adviſing and declaring his intention of war, and that by *Savils* warrant, and the advice of bringing over the Iriſh army, upon the matter in the 23 Article; The intending of a Warre, if not within the Clauſe of Levying Warre in the ſtatute of 25. *E.* 3. yet within the firſt treaſon of compaſſing the death of the King.

3. If neither of theſe two ſingle Acts be within the Statute of 25. *E.* 3. yet upon putting all together, which hath been proved againſt him, That ther's a Treaſon within the firſt clauſe of compaſſing the death of the King.

Et ſi non proſunt ſingula, juncta juvant.

4. That he hath ſeſſed and laid Souldiers upon the Subjects of *Ireland* againſt their will, and at their Charge, within the *Iriſh* Statute of the eighteenth yeare of *Henry* the ſixt. That both perſon and thing are within the Statute, That the ſtatute remaines in force to this day, That the Parliament here hath

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cognizance of it. And that even in the ordinary way of Judicature, that if there be a Treaſon, and a Traitor, that the want of juriſdiction in the Judicall way, may juſtly be ſupplied by Bill.

5. That his endeavouring to ſubvert the fundamentall Lawes and Governement of the Realmes of *England* and *Ireland*, and inſtead thereof, to introduce a tyrannicall Government againſt Law, is Treaſon by the Common law, That Treaſons at the Common Law are not taken away by the Statutes of 25. *E.* 3. 1. *H.* 4. *c.* 10. 1. *Mar. c.* 1. nor any of them.

6. That as this Caſe ſtands, It's juſt and neceſſary to reſort to the Supreame power in Parliament, in caſe all the reſt ſhould faile.

Of theſe ſix, five of them are Treaſon, within the Compaſſe of the Lawes already eſtabliſhed, Three within the Statute of 25. *E.* 3. One within the *Iriſh* Statute, the other by the Common Law of *England*.

If but any one of theſe ſix Conſiderations hold, The Commons conceive that upon the whole matter they had good cauſe to paſſe the Bill.

My Lords, for the firſt of levying Warre, I ſhall make bold to read the Caſe to your Lordſhips before I ſpeak to it; it's thus:

The Earle did by warrant under his hand and Seale give authority to *Robert Savill* a Serjeant at Arms, and his Deputies, to ſeſſe ſuch number of Souldiers, horſe and foot of the Army in *Ireland* together with an officer, as the Serjeant ſhould think fit, upon his Majeſties Subjects of *Ireland* againſt their will: This warrant was granted by the Earle to the end to compell the Subjects of *Ireland* to ſubmit to the unlawfull Summons and orders made by the Earle upon paper Petitions exhibited unto him in caſe of private Intereſt betweene party and party; This warrant was executed by *Savill* and his Deputies by ſeſſing of Souldiers both horſe and foot, upon divers of the Subjects of *Ireland* againſt their will in warlike manner, and at divers times the Souldiers continued upon the parties upon whom they were ſeſſed, and waſted their goods, until ſuch time as they had ſubmitted themſelves unto theſe Summons and orders.

My

My Lords, This is a levying of warre within the ſtatute of 25°. *E.* 3. The words of the Statute are, *If any man doe levy warre againſt our Lord the King in his Realm*, this is declared to be Treaſon.

I ſhall indeavour in this to make it appeare to your Lordſhips.

1 What ſhall be a levying of Warre, in reſpect of the motive or cauſe of it.

2 What ſhall be ſaid a levying of warre in reſpect of the Action or thing done.

3 And in the third place, I ſhall apply them to the preſent Caſe.

It will be granted in this of levying of warre, That forces may be raiſed and likewiſe uſed in a war-like manner, and yet no levying of warre within the Statute, that is, when the forces are raiſed and imployed upon private ends either of revenge or intereſt.

Before this Statute in *E.* 1. time. The Title of a Caſtle was in difference between the Earles of *Hereford* and *Gloſter*, for the mainetaining of the poſſeſſion on the one ſide, and gayning of it on the other. Forces were raiſed on either ſide of many hundred men, they marched with Banners diſplayed one againſt the other. In the Parliament in the 20. yeere of *Edw.* 1. this adjudged onely treſpaſſe, and either of the *Earles* fined 1000. markes a peece.

After the Statute in Hillary Terme, the fiftieth yeere of *Edward* the third, in the *Kings Bench*, *Rot.* 3. *Nicholas Huntercome* in a war-like manner, with 40 men armed, amongſt other weapons, with Gunnes (ſo ancient as appeares by that Record they were) did much ſpoyle in the Mannour of the *Abbee* of *Dorcheſter*, in the *County* of *Oxford*: This no Treaſon: So it hath beene held by the Judges, that if one or more Townſhips upon pretence of ſaving their Commons, doe in a forcible and war-like manner, throw in Incloſures; This is only a Riot, no Treaſon.

The words of the Statute of 25. *Edw.* 3. cleare this Point, that if any man ride armed openly or ſecretly with men at Armes againſt any other to kill and robbe, or to detaine him untill he hath made fine and ranſome for his deliverance; this

is

is declared not to be Treaſon, but Fellony or Treſpaſſe, as the caſe ſhall require, all the printed Statuts which have it covertly or ſecretly are miſ-printed; for the words in the Parliament Roll, as appeares *n.*17. are *Diſcovertment ou ſecreretment* openly or ſecretly.

So that my Lords, in this of levying warre, the Act is not ſo much to be conſidered, but as in all other Treaſons and Fellonies, *quo animo*, with what intent and purpoſe.

Obj. My Lords, if the end be conſiderable in levying warre, it may be ſaid, that it cannot be a Treaſon warre, unleſſe againſt the King: For the words of the ſtatute are, *If any man levy warre againſt the King.*

Anſ. That theſe words extend further then to the Perſon of the King appears by the words of the Statute, which in the begining declares it to be Treaſon to compaſſe & imagine the Kings death, and after other Treaſons, this is to be declared to be Treaſon to levy war againſt the King. If the levying of war extend no further then to the perſon of the King, theſe words of the Statute are to no purpoſe, for then the firſt Treaſon of compaſſing the Kings death had fully included it before, becauſe that he which levies war againſt the perſon of the King doth neceſſarily compaſſe his death.

Its a warre againſt the King when intended for alteration of the Lawes or Government in any part of them, or to deſtroy any of the great Officers of the Kingdome. This is a levying of War againſt the King.

1 Becauſe the King doth proteſt and maintaine the Laws in every part of them, and the great Officers to whoſe care he hath in his own ſteed delegated the Execution of them.

2 Becauſe they are the Kings Lawes, He is the Fountaine from whence in their ſeverall Channels they are derived to the Subject; all our inditements run thus, Treſpaſſes laied to be done, *Contra pacem Domini Regis*, the Kings peace for exorbitant offences, though not intended againſt the Kings Perſon, againſt the King his Crowne and Dignity.

My Lords, this conſtruction is made good by diverſe Authorities of great weight ever ſince the ſtatute of 25. *E.* 3. downwards.

In *R.* the 2ds. time Sir *Thomas Talbot* conſpired the death of the Dukes of *Gloceſter* and *Lancaſter*, & ſome other of the Peeres; for the effecting of it, he had cauſed diverſe people in the County of

Cheſter to be armed in warre-like manner, in Aſſemblies. In the Parliament held the ſeventeenth yeere of *Richard* the ſecond, number the 20. Sir *Thomas Talbot* accuſed of high Treaſon for this; Its there declared, that inſomuch as one of them was Lord high Steward of *England*, and the other high Conſtable of *England*, that this was done in deſtruction of the eſtates of the Realme, and of the Lawes of the Kingdome, and therefore adjudged Treaſon; and the judgement ſent downe into the Kings Bench, as appeares in *Eaſter-Tearme* in the ſeventh yeer of *Richard* the ſecond in the Kings Bench, *Rott.* 16. Theſe two Lords had appeared in the eleventh yeere of *Richard* the ſecond in mainetenance of the Act of Parliament made the yeere before; one of them was of the Commiſſioners appointed by Parliament, and one of the Appellours of thoſe that would have overthrowne it: The Duke of *Lancaſter* likewiſe was one of the Lords that was to have beene indicted of Treaſon for endeavouring the maintenance of it, and therefore conſpiring of their deaths is ſaid to be in deſtruction of the lawes; This there declared to be a Treſon that concerned the Perſon of the King and the Commonwealth.

In that great inſurrection of the Villains and meaner people in *Richard* the ſeconds time, they tooke an oath, *Quod Regi & Comunibus fidelitatem ſervarent*, to be true to the King and Commons, that they would take nothing but what they paid for, puniſhed all theft with death, here's no intendment againſt the perſon of the King; The intent was to aboliſh the Law of villainage and ſervitude, to burne all the Records, to kill the Judges; this in the Parliament of the fifth yeere of *Richard* the ſecond, number the one and thirtieth and two and thirtieth, the firſt part, is declared to be Treaſon againſt the King and againſt the Law.

In the eleventh yeere of *Richard* the ſecond, in Parliament the raiſing of forces againſt the Commiſſioners appointed by act of Parliament the yeere before adjudged Treaſon by all the Judges.

The Statute of 1. *Mar. cap.* 12. enacts that if twelve or more ſhall indeavour by force to alter any of the Lawes or Statutes of the Kingdome, hee ſhall from ſuch a time there limited be adjudged onely as a fellon; This act was to continue but to the next Parliament, it is expired; it ſhewes by the words onely

that

that the offence was higher before the making of it.

My Lords, In Queene *Elizabeths* time, *Grant* and divers Prentices of *London*, to the number of 200. roſe and aſſembled at Tower-hill, carried a Cloake upon a Pole inſtead of a banner, their intent was to deliver divers Prentices out of priſon that had beene committed upon a ſentence in Star-Chamber for ryots, To kill the Lord Major of *London*, and for ſetting prizes on victuals. In *Trinity Tearme* 37. *Eliz.* divers of the Judges conſulted withall, and reſolved that this was a levying of warre againſt the Queene, being intended againſt the government and officers of the Queene, and thereupon *Grant* and others executed as Traitors.

Afterwards in that Queenes time, divers of the County of *Oxford* conſulted together to goe from houſe to houſe in that County, and thence to *London* & other parts to excite them to take Armes for the throwing in of all incloſures throughout *England*, nothing was done, nor no Aſſembly: The Statute of 13. *Eliz. cap.* 1. during the Queenes life made it Treaſon to intend or adviſe to levy war againſt the Queene.

In *Eaſter Tearme*, 39. *Eliz.* All the Judges of *England* met about the caſe, it was reſolved by them, that this was a warre intended againſt the Queen, they agreed that if it had beene of one Townſhip or more upon private intereſt and claime of right of Common, it had not bin Treaſon; But this was to throw in all incloſures thorough the Kingdome, wherto theſe parties could pretend no claime; that it was againſt the Law, in regard that the Statute of *Merton* gave power of Incloſures in many Caſes. Upon this Reſolution *Bradſhaw* and *Burton* were executed at *Aynſtowe* hill in *Oxford-ſhire*, the place where they intended their firſt meeting.

So that, my Lords, if the end of it be to overthrow any of the Statutes, any part of the Law and ſetled Governement, or any of the great Officers intruſted with the execution of them; this is a warre againſt the King.

My Lords, it will be further conſiderable, what ſhall be accounted a levying of warre in reſpect of the Actions & things done; There's a deſigne to alter ſome part of the Lawes and preſent Governement, for the effecting thereof people be provided of Armes, gathered together into troopes, but afterwards march not with Banners diſplayed, nor doe *Bellum percutere*?

Whether the arming themſelves and gatheting together upon this Deſigne, whether this be a warre or ſuch proſecution of the Deſigne with force as makes it Treaſon within the Statute?

Firſt, If this be not a Warre in reſpect that it neceſſarily occaſions hoſtile preparations on the other ſide?

2. From the words of the Statute, ſhall levy warre, & be thereof probably atrainted of open Deed by people of their Condition, although the bare conſpiring be not an open Deed, yet whether the arming and drawing men together be not an open Declaration of Warre?

In Sir *Thomas Talbots* caſe before cited in the ſeventeenth yeere of *Richard* the ſecond, The Acts of force are expreſſed in the Parliament Roll: That he cauſed divers of the people of the County of *Cheſter* to be armed in a war-like manner in aſſemblies; heere is no marching, no banners diſplayed.

In the eighth yeer of *Henry* the 8th. *William Bell* and *Thomas Lacy* in *Com' Kanc.* conſpired with *Thomas Cheney*, called the *Hermite* of the Queene of Fairies, to overthrow the Lawes and cuſtomes of the Realme, and for the effecting of it, they with two hundred more met together, and concluded upon a courſe of raiſing greater forces in the county of *Kent*, and the adjacent Shires: this adjudged Treaſon, theſe were open Actes.

My Lords, for the application of both theſe to the Caſe in queſtion

Firſt in reſpect of the end of it, here was a warre againſt the King, It was to ſubvert the Lawes, This being the deſigne, for the effecting of it, he aſſumed to his own perſon, an arbitrary power over the lives, liberties and eſtates of his Majeſties Subjects, and determined Cauſes upon paper petitions at his own will and pleaſure, obedience muſt be forced by the Army, this declared by the Warrant.

2 My Lords, if it be ſaid, That the Warrant expreſſeth not any intent of ſubverting the Lawes, It expreſſeth fully one of the principall meanes whereby this was to be done, that is, obedience to his arbitrary orders upon paper petitions, this was done in reference to the maine deſigne.

In the Caſes of the Towne of *Cambridge* and Sr. *William Cegan*, that have formerly been cited to your Lordſhips, upon other occaſions, the things in themſelves were not Treaſon,

they

they were not a levying of Warre.

In that of *Cambridge*, the Town met together, and in a forcible manner broke up the Universitie treasury, and tooke out of it the Records and Evidence of the liberties of the Vniversity over the Town.

In the other, they of *Bridgewater* marched to the Hospitall, and compelled the Master of the Hospitall to deliver unto them certaine Evidences that concerned the Towne, and forced him to enter into a bond of two hundred pound.

These, if done upon these private ends alone, had not been Treason, as appeares by the very words of the Statute of 25. *Edw.* 3. before mentioned of marching openly or secretly.

But my Lords, these of *Cambridge* and *Bridgewater*, they were of the conspiracy with the villaines, as appeares in the Parliament Roll of the first yeare of *Richard* the second, number the one and thirtieth, and two and thirtieth, where the Towns of *Cambridge* and *Bridgewater* are expresly excepted out of the generall pardon made to the Villaines. This being done in Reference to that designe of the villaines of altering the Lawes, this was that which made it Treason.

If the designe went no further then the enforcing obedience to these paper orders made by himselfe, It was sufficient, it was to subvert one fundamentall part of the Lawes, nay in effect the whole Law: what use of Law if he might order and determine of mens estates at his own pleasure? This was against the Law notoriously declared in *Ireland*.

In the close roll in the Tower, in the five and twentieth yeere of *Ed.* 1. a Writ went to the Justices in *Ireland* (that Kingdome at that time was governed by Justices) declaring that upon petitions they were not to determine any titles betweene party and party upon any pretence of profit whatsoever to the King.

6 In the eight and twentieth yeare of *Henry* the sixt, the second Chapter, Suites in equity, not before the Deputy, but in Chancery, Suits at Common Law, not before him, but in Cases of life in the Kings Bench, for title of land or goods in the proper Courts of the Common pleas, or Kings Bench.

This declared in the Instructions for *Ireland* in the latter end of King *James* his time, and by the Proclamation in his Majesties time, my Lord took notice of them, called the Commissioners narrow-hearted Commissioners.

The Law ſaid, he ſhould not thus proceed in ſubverſion of it; he ſaith, he will, and will enforce obedience by the Army. This is as much in reſpect of the end, as to endevour the overthrow of the Statutes of Laborers, of victuals, or of *Merton* for Incloſures. Here is a warre againſt the King in reſpect of the end.

2. In reſpect of the Actions, whether there be either a levying of war, or an open deed, or both.

My Lords, there was an Army in *Ireland* at that time of two thouſand horſe and foot, by this Warrant there is a full deſignation of this whole Army, and an Aſſignement of it over unto *Savill* for this purpoſe. The Warrant gives him power from time to time to take as many ſouldiers, horſe and foot, with an Officer, throughout the whole Army, as himſelfe ſhall pleaſe, heere is the terrour and awe of the whole Army to enforce obedience. My Lords, if the Earle had armed two thouſand men, horſe and foot, and formed them into companies to this end, your Lordſhips would have conceived that this had been a war, It's as much as in the caſe of Sir *Thomas Talbot* who armed them in aſſemblies.

This is the ſame with a breach of truſt added to it. That Army was firſt raiſed and afterwards committed to his truſt for defence of the people, is now deſtined by him to their deſtruction. This aſſignation of the Army by his Warrant under his hand & ſeale is an open Act.

2. My Lords, heer's not onely an open act done but a levying of war, ſouldiers both horſe and foot, with an Officer in warlike manner ſeſſed upon the ſubject, which killed their Cattell, conſumed and waſted their goods.

Ob. O, but five or ſixe were the moſt imployed at any time, a mighty warre of ſix men, ſcarce a Ryot.

Anſ. Your Lordſhips obſerve a great difference where ſix ſingle men goe upon a deſigne alone, and when ſent from an Army of ſix hundred, all engaged in the ſame ſervice, ſo many were ſent as were ſufficient to execute the command; if upon a poore man fewer, more upon a rich; if the ſix had not beene able, the whole Army muſt make it good; the reaſon that the Sheriffe alone, or but with one Bayliffe to doe execution, is, becauſe he hath command of the Law, the Kings Writ and the *poſſe Comitatus* in caſe of Reſiſtance; heer's the warrant of the Generall of an Army, heer's the *poſſe exercitus*,

exercitus, the power of the Army, under this awe of the whole Army, ſix may force more then ſixty without it, and although never above ſix in one place, yet in the ſeverall parts of the Kingdome at the ſame time might be above ſixty; for ſeſſing of ſouldiers was frequent, it was the ordinary courſe for execution of his orders.

The Lord Lievtenant of a County in *England* hath a deſigne to alter the Lawes and government, nay admit the deſign goes not ſo high, he onely declares thus much, that he will order the freeholds and the eſtates of the Inhabitants of the County at his owne will and pleaſure, and doth accordingly proceed upon paper petitions; foreſeeing there will be diſobedience, he grants out warrants under his hand and ſeale to the deputy Lievtenants and Captaines of the traine bands, that upon refuſall they ſhall take ſuch number of the traine bands thorow the County with Officers, as they ſhall think good, and lay them upon the lands and houſes of the refuſers; Souldiers in a warlike manner are frequently ſeſſed upon them accordingly. Your Lordſhips doe conceive that this is a levying of Warre within the Statute.

The Caſe in queſtion goes further in theſe two reſpects.

1 That it is more againſt the declared Law in *Ireland*, not only a gainſt the Common Law, but likewiſe againſt the Statute of the eight and twentieth yeare of *Henry* the ſixt, againſt the Acts of the Commiſſioners, againſt Proclamations in purſuance of the Law, againſt that himſelfe took notice of, Narrow hearted Commiſſioners.

2 In this that here was an Army, the Souldiers, Souldiers by profeſſion, Acts of hoſtility from them of greater Terror than from free-holders of the ſame County.

My Lords, I have now done with the firſt of levying warre.

2 The ſecond is the machination, the adviſing of a warre; The caſe in this reſts upon the warrant to *Savill*, and the advice in the 23 Article.

The Warrant ſhewes a reſolution of employing the old Army of *Ireland*, to the oppreſſion of his Majeſties Subjects and the Lawes.

In the 23 Article, having told his Majeſty that hee was looſed and abſolved from rules of Government, and might doe every thing which power might admit, he proceeded further in ſpeech

to his Majeſty, in theſe words; You have an Army in *Ireland* you may employ to reduce this Kingdome.

My Lords, both being put together, there's a machination, a practiſe, an adviſe to levie warre, and by force to oppreſſe and deſtroy his Majeſties Subjects.

Obj. It hath beene ſaid, the Statute of 25. *Edw.* 3. is a penall Law, and cannot bee taken by equity and conſtruction, there muſt be an actuall warre; the Statute makes it Treaſon to counterfeit the Kings Coyne, the conſpiring the raiſing of furnaces is no Treaſon, unleſſe he doth *nummum percutere*, actually coyne.

Anſw. My Lords, this is onely ſaid, not proved, the Law is otherwiſe, 19. of *Henry* the ſixt, fol. 47. there adjudged that the conſpiring and ayding to counterfeit coyne was Treaſon; and Juſtice *Stamford* fol. 1. & 44. is of opinion, That this, or conſpiring to counterfeit the great Seale is Treaſon. The Statute is, If any ſhall counterfeit the great Seale, conſpiring to doe it by the book, is Treaſon; if a man take the broad Seale from one Pattent, and put it to another, here is no counterfeiting, it's *tuntamount*, and therefore Treaſon, as is adjudged in 2. *Henry* 4. *fo.* 25. and by the opinion of *Stamford*.

If machination or plotting a warre be not within that clauſe of the Statute of levying warre, yet it's within the firſt of compaſſing the death of the King, as that which neceſſarily tends to the deſtruction both of the King and of the people, upon whoſe ſafety and protection hee is to engage himſelfe: That this is Treaſon, hath beene adjugded both after the Statutes of the firſt of *Henry* the fourth, chapter the tenth, and the firſt of Queene *Mary*, the firſt chapter, ſo much inſiſted upon on the other ſide. In the third yeare of King *Henry* the fourth, one *Balſhall* comming from *London*, found one *Bernard* at plough in the pariſh of *Oſley* in the Connty of *Hertford*; *Bernard* asked *Balſhall*, what news, hee told him the newes was, That King *Richard* the ſecond was alive in *Scotland* (which was falſe, for hee was then dead) and that by *Midſomer* next he would come into *England*; *Bernard* asked him, what was beſt to be done; *Balſhall* anſwered, get men, and goe to King *Richard*. In *Michaelmas* Terme, in the third yeare of *Henry* the fourth, in the Kings Bench, rot. 4. this adviſe of warre adjudged Treaſon.

In Queene *Maries* time, Sir *Nicholas Throgmorton* conſpired with Sir *Thomas Wyat* to levie warre within this Realme for alteration in Religion, he joyned not with him in the execution. This Conſpiracy alone declared to bee Treaſon by the Judges. This was after the Statute of the firſt of Queene *Mary* ſo much inſiſted upon. That Parliament ended in *October*, this opinion was delivered the *Eaſter*-Terme after, and is reported by Juſtice *Dyer*, *fo.* 98. It's true, Sir *Thomas Wyat* afterwards did levie warre, Sir *Nicholas Throgmorton* hee onely conſpired, this adjudged Treaſon.

Storie, in Queene *Elizabeths* time, practiſed with Forreiners to levy warre within the Kingdome, nothing done in purſuance of the practiſe; The intent without any adhering to Enemies of the Queene or other cauſe, adjudged to bee Treaſon, and hee executed thereupon. It's truemy Lords, that yeare 13. *Elizabeth* by Act of Parliament, it's made Treaſon to intend the levying of warre; this caſe was adjudged before the Parliament. The caſe was adjudged in *Hillary* Terme, the Parliament began not untill the *April* following; This my Lords, is a caſe adjudged in point, That the practiſing to levy warre, though nothing be done in execution of it is Treaſon.

Obj. It may be objected that in theſe Caſes, the conſpiring being againſt the whole Kingdome included the Queene, and was a compaſſing her deſtruction, as well as of the Kingdomes; here the advice was to the King.

Anſ. 1. The anſwer is, firſt, that the warrant was unknowne to his Majeſty, that was a machination of warre againſt the people and Laws, wherein his Majeſties perſon was engaged for protection.

2. That the advice was to his Majeſty, aggravates the offence, it was an Attempt not only upon the Kingdome, but upon the Sacred perſon, and his office too; himſelfe was *hoſtes patriæ*, hee would have made the Father of it ſo too; nothing more unnaturall, more dangerous; To offer the King poyſon to drink, telling him that it is a Cordiall, is a compaſsing of his death.

The poyſon was repelled, there was an antidote within, the malice of the giver beyond expreſsion. The perſwading of Forreiners to invade the kingdome holds no proportion with this: Machination of warre againſt the Lawes or kingdome is againſt the King, they cannot be ſevered.

The third generall Head.

My Lords, if no actuall warre within the Statute, if the counſelling of a war, if neither of theſe ſingle Acts be Treaſon within the Statute; The Commons in the next place have taken it into their conſideration, what the addition of his other words, Counſells, and Actions do operate in the caſe, and have conceived, That with this addition all being put together, that he is brought within the Statute of 25. *Edward* 3.

The words of the Statute are, if any man ſhall compaſſe or imagine the death of the King, the words are not, if any man ſhall plot or conſult the death of the King, no my Lords, they go further than to ſuch things as are intended immediately, directly, and determinatively againſt the life and perſon of the King, they are of a larger extent; to compaſſe is to doe by circuit, to conſult or practice another thing directly, which being done, may neceſſarily produce this effect.

However it be in the other Treaſons within this Statute, yet in this by the very words there is roome left for conſtructions, for neceſſary Inferences and Conſequences.

What hath beene the judgement and practice of former times concerning theſe words of compaſsing the Kings death, will appeare to your Lordſhips by ſome caſes of attainders upon theſe words.

One *Owen* in King *Iames* his time in the 13. yeere of his raigne at *Sandwich* in *Kent*, ſpake theſe words, That King *Iames* being excommunicated by the Pope, may bee killed by any man; which killing is no murther: being asked by thoſe he ſpake to, how he durſt maintaine ſo bloody an aſſertion? he anſwered that the matter was not ſo haynous as was ſuppoſed; for the King who is the leſſer, is concluded by the Pope who is the greater; and as a Malefactor being condemned before a Temporall Judge, may bee delivered over to bee Executed;

ſo

ſo the King ſtanding convicted by the Popes ſentence of excommunication, may juſtly be ſlaughtered without fault; for the killing of the King is the execution of the Popes ſupreame ſentence, as the other is the execution of the Law: for this, judgement of High Treaſon was given againſt him, and execution done.

My Lords, here is no cleere intent appearing that *Owen* deſired the thing ſhould bee done, only Arguments that it might be done, This is a compaſsing, there is a cleere Endeavour to corrupt the judgement, to take off the bonds of conſcience, the greateſt ſecurity of the Kings life; God forbid ſaith one of better judgement than he, That I ſhould ſtretch out my hand againſt the Lords annointed, no ſaith he, the Lord doth not forbid it, you may for theſe reaſons lawfully kill the King.

Hee that denies the Title to the Crown, and plots the meanes of ſetting it upon another head, may doe this without any direct or immediate deſiring the death of him that then weares it, yet this is Treaſon, as was adjudged in 10. *Henry* 7. in the caſe of *Burton*, and in the Duke of *Norfolks* caſe. 13. *Elizabeth*.

This is a compaſsing of his death, for there can no more be two Kings in one Kingdome, than two Suns in the Firmament; he that conceives a title, counts it worth ventring for, though it coſt him his life, he that is in poſſeſſion thinks it as well worth the keeping. *Iohn Sparhauke* in King *Henry* the fourths time, meeting two men upon the way, amongſt other talk ſaid, that the King was not rightfull King, but the Earle of *March*, and that the Pope would grant indulgencies to all that would aſſiſt the Earles title, and that within halfe a yeree there would be no Liveries nor Conizances of the King, that the King had not kept promiſe with the people, but had layd taxes upon them. In *Eaſter* Terme in the third yeere of *Henry* the fourth in the Kings Bench, Rot. 12. this adjudged Treaſon. This denying the title with motives though but implyedly of Action againſt it, adjudged Treaſon, this is a compaſsing the Kings death.

How this was a compaſsing the Kings death, is declared in the reaſons of the judgement; That the words were ſpoken with an intent to withdraw the affections of the people from the

King, and to excite them againſt the King, that in the end they might riſe up againſt him *in mortem & deſtructionem* of the King.

My Lords, in this Judgement and others which I ſhall cite to your Lordſhips, It appeares that it is a compaſsing the Kings death by words, to indeavour to draw the peoples hearts from the King, to ſet diſcord betweene the King and them, whereby the people ſhould leave the King, ſhould riſe up againſt him to the death and deſtruction of the King.

The caſes that I ſhall cite, prove not onely that this is Treaſon, but what is ſufficient evidence to make this good.

Upon a Commiſsion held the 18. yeere of *Edw.* 4. in *Kent*, before the *Marqueſſe of Dorſet* and others, an Inditement was preferred againſt *John Awater* of High-Treaſon, in the forme before mentioned, for words which are entred in the enditement *ſub hac forma*, That he had beene ſervant to the Earle of *Warwicke*, that though he were dead, the Earle of *Oxford* was alive, and ſhould have the government of part of the Countrey, That *Edward* whom you call King of *England*, was a falſe man, and had by art and ſubtlety ſlaine the Earle of *Warwicke* and the Duke of *Clarence* his brother, without any cauſe, who before had beene both of them attainted of High-Treaſon.

My Lords, this Inditement was returned into the Kings Bench in *Trinity* Tearme in the eighteenth yeere of *Edward* the fourth, and in *Eaſter* Tearme in the two and twentieth yeere of *Edward* the fourth he was outlawed, by the ſtay of the *outlawry*, ſo long it ſeemes the Judges had well adviſed before whether it were Treaſon or not.

At the ſame Seſsion *Thomas Heber* was indited of Treaſon for theſe words, *That the laſt Parliament was the moſt ſimple and inſufficient Parliament that ever had beene in England. That the King was gone to live in* Kent, *becauſe that for the preſent he had not the love of the Citizens of* London, *nor ſhould he have it for the future. That if the Biſhop of* Bath *and* Wels *were dead, the Archbiſhop of* Canterbury, *being Cardinall of* England, *would immediately loſe his head.* This inditement was returned into the Kings Bench in Trinity Tearme in the eighteenth yeere of *Edward* the fourth.

Afterwards

Afterwards there came a Privy Seale to the Judges to reſpit the proceedings, which as it ſhould ſeeme was to the intent the Judges might adviſe of the Caſe, for afterwards he is outlawed of high-Treaſon upon this inditement.

Theſe words were thought ſufficient evidence to prove theſe ſeverall Inditements, That they were ſpoken to withdraw the peoples affection from the King, to excite them againſt him, to cauſe riſings againſt him by the people, *in mortem & deſtructionem* of the King.

Your Lordſhips are pleaſed to conſider that in all theſe Caſes, the Treaſon was for words onely, words by private perſons, and in a more private manner, but once ſpoken and no more, onely amongſt the people, to excite them againſt the King.

My Lords, here are words, Counſels more than words, and actions too, not onely to diſ-affect the people to the King, but the King likewiſe towards the people; not once but often, not in private, but in places moſt publique, not by a private perſon, but by a Counſellor of State, a Lord Lieutenant, a Lord Preſident, a Lord Deputy of *Ireland*.

1 To his Majeſty, *That the Parliament had denied to ſupply him*; a ſlander upon all the Commons of *England* in their affections to the King and Kingdome, in refuſing to yeeld timely ſupply for the neceſsities of King and Kingdome.

2 From thence, *That the King was looſe and abſolved from rules of government, and was to doe every thing that power would admit.* My Lords, more cannot be ſaid, they cannot be aggravated, whatever I ſhould ſay would be in diminution.

3 Thence, *You have an Army in Ireland you may imploy to reduce this Kingdome.*

To counſell a King not to love his people, is very unnaturall, it goes higher, to hate them, to malice them in his heart; the higheſt expreſsions of malice, to deſtroy them by warre: Theſe coales they were caſt upon his Majeſty, they were blowne, they could not kindle in that breſt.

Thence, my Lords, having done the utmoſt to the King, hee goes to the people: At *York* the Country being met together for Juſtice, at the open Aſsizes upon the Bench, he tels them, ſpeaking

of the Juſtices of the Peace, *that they were all for Law, nothing but Law, but they ſhould find that the Kings little finger ſhould be heavier than the loines of the Law.*

They ſhall find, my Lords, who ſpeakes this to the people, a Privie Counſellour; this muſt be either to traduce his Majeſty to the people as ſpoken from him, or from himſelfe, who was Lord Lieutenant of the County and Preſident, intruſted with the forces and Juſtice of thoſe parts, that he would imploy both this way; add, my Lords, to his words there the exerciſing of an arbitrary and vaſt Juriſdiction before he had ſo much as Inſtructions or colour of warrant.

Thence we carry him into *Ireland*, there he repreſented by his place the ſacred perſon of his Majeſty.

1 There at *Dublyn*, the principall City of that Kingdome, whither the Subjects of that Countrey came for Juſtice, in an Aſſembly of Peeres and others of greateſt ranke, upon occaſion of a ſpeech of the Recorder of that City touching their Franchiſes and Legall Rights, he tels them, that *Ireland was a conquered Nation, and that the King might doe with them what he pleaſed.*

2 Not long after, in the Parliament 10. *Car.* in the Chaire of State, in full Parliament, againe, That *they were a conquered Nation, and that they were to expect Lawes as from a Conquerour*; before, *The King might doe with them what he would*; now, *They were to expect it, that he would put this power of a Conquerour in execution.* The Circumſtances are very conſiderable, in full Parliament, from himſelfe in *Cathedra*, to the repreſentative body of the whole Kingdome.

The occaſion adds much, when they deſire the benefit of the Lawes, and that their Cauſes and Suites might be determined according to Law, and not by himſelfe, at his will and pleaſure upon paper Petitions.

3 Upon like occaſion of preſsing the Lawes and Statutes, That hee would make an *Act of Counſell board in that Kingdome as binding as an Act of Parliament.*

4. He made his words good by his actions, aſſumed and exerciſed a boundleſſe and lawleſſe Juriſdiction over the lives perſons,

perſons, and eſtates of his Majeſties Subjects, procured judgement of death againſt a Peere of that Realme, commanded another to be hanged, this was accordingly executed, both in times of high Peace, without any proceſſe or colour of Law.

5. By force for a long time he ſeiſed the yarne and flax of the Subjects, to the ſtarving and undoing of many thouſands, beſides the Tobacco buſineſſe, and many Monopolies and unlawfull Taxes, forced a new Oath not to diſpute his Majeſties royall commands, determined mens eſtates at his owne will and pleaſure upon paper Petitions to himſelfe, forced Obedience to theſe, not onely by Fines and Impriſonment, but likewiſe by the Army, ſeſſed Souldiers upon the refuſers in a hoſtile manner.

6. Was an Incendiary of the warre betweene the two Kingdomes of *England* and *Scotland*.

My Lords, we ſhall leave it to your Lordſhips Judgements, whether theſe words, Counſells, and Actions would not have beene a ſufficient Evidence to have proved an Inditement drawne up againſt him, as thoſe before mentioned, and many others are; That they were ſpoken and done to the intent to withdraw the Kings heart from the people, and the affections of the people from the King, that they might leave the King, and afterwards riſe up againſt him to the deſtruction of the King; if ſo, here is a compaſſing of the Kings death within the words of the Statute of the five and twentieth yeare of *Edward* the third, and that warranted by many former judgements.

My Lords, I have now done with the three Treaſons within the Statute of the five and twentieth of *Edward* the third. I proceed to the fourth upon the Statute of the eighteenth yeare of *Henry* the ſixt, Chapter the third in *Ireland*; I ſhall make bold to read the words to your Lordſhips, *The fourth generall Head.*

That no Lord, nor any other of what condition ſoever he be, ſhall bring or lead hoblers, kerves, or hooded men, nor any other people, nor horſes to lie on horſeback or on foot upon the Kings Subjects without their good wills and conſent, but upon their owne coſts, and without hurt doing to the Commons, and if any ſo doe he ſhall be judged as Traitor.

1. The Argument that hath been made concerning the Perſon,

That

That it extends not to the King, and therefore not to him, weighs nothing with your Lordſhips, *Rex non habet in regno parem*, from the greatneſſe of his office to argue himſelfe into the ſame impoſſibility with his ſacred Majeſty of being uncapable of High-Treaſon, it's an Offence, no reaſon; The words in the Statute, *No Lord nor any other of what condition ſoever he be*, includes every Subject.

In *Trinity* Terme in the three and thirtieth yeare of *Henry* the eighth, in the Kings Bench, *Leonard* Lord *Gray*, having immediately before been Lord Deputy of *Ireland*, is attainted of High-Treaſon, and judgement given againſt him for letting divers Rebels out of the Caſtle of *Dublin*, and diſcharging Iriſh hoſtages and pledges that had been given for ſecuring the Peace, for not puniſhing one that ſaid the King was an Heretique, I have read the whole Record, ther's not one thing laid to his charge but was done by him as Lord Leivetenant: Hee had the ſame Plea with my Lord of *Strafford*, That theſe things were no adhering to the Kings Enemies, but were done for reaſons of State, That he was not within thoſe words of the Statute of the five and twentieth yeare of *Edward* the third, himſelfe being Lord Lievtenant there, they coſt his life.

Obj. 2. It hath been ſaid, That the Souldiers, ſeſſed upon the Subjects by him, were not ſuch perſons as are intended by that Statute, *Hoblers, Kerves, and hooded men*, theſe raſcall people.

Anſw. My Lords, they were the names given to the Souldiary of thoſe times, Hoblers horſemen, the other the foot, but the words of the Statute goe further, *Nor any other people, neither horſe nor foot*, his Lordſhip ſeſſed upon them both horſe and foot.

Object. 3. The Statute extends only to them that leade or bring, *Savill* led them, my Lord onely gave the warrant.

Anſw. To that I ſhall ſay onely thus, *plus peccat author quam actor*, by the rule of Law, *agentes & conſentientes pari pleƈtuntur pœnâ*, if conſent, much more a command to doe it, makes the commander a Traitor. If there bee any Treaſon within this Statute, my Lord of *Strafford* is guilty.

It hath been therefore ſaid, That this Statute like *Goliah's* ſword hath been wrapt up in a cloth and laid behind the doore, that it hath never been put in execution.

Anſw.

Anſw. My Lords, if the Clerk of the Crown in *Ireland* had certified your Lordſhips that upon ſearch of the Judgements of Attainders in *Ireland*, he could not finde that any man had been attainted upon this Statute, your Lordſhips had had ſome ground to beleeve it, yet it is onely my Lord of *Straffords* affirmation: Beſides your Lordſhips know that an act of Parliament binds untill it be repealed.

It hath been therefore ſaid, that this Statute is repealed by the Statutes of the eighth yeere of *Edward* the fourth, the firſt Chapter; and of the tenth yeere of *Henry* the ſeventh, the two and twentieth Chapter, becauſe by theſe two Satutes, the Engliſh Statutes are brought into *Ireland*.

The Argument, (if I miſtook it not,) ſtood thus; That the Statute of the firſt of *Henry* the fourth, the 10. Chapter, ſaith, that in no time to come, Treaſon ſhall be adjuged otherwiſe, then it was ordained by the Statute of the 25. yeere of *Edward* the third: That the Treaſon mentioned in the 18 yeere of *Henry* the ſixth in the Iriſh Satute is not contained in the Statute of the 25 yeere of *Edward* the 3. and therefore being contrary to the ſtatute of the firſt of *Henry* the fourth; it muſt needs be void.

My Lords, the difference of the times wherein the ſtatute of the firſt yeere of *Henry* the fourth, and that of the 18 yeere of *Henry* the ſixth were made, cleare the Point, as is humbly conceived; that of *Henry* the ſixth was made fourty yeeres after the other.

The ſtatute of the eighth yeere of *Edward* the fourth, and the tenth of *Henry* the ſeventh, bringing in the Engliſh ſtatutes in order and ſeries of time, as they were made one after another (as afterwards is proved they did) it cannot be that the ſtatute of the firſt yeere of *Henry* the fourth made fourty yeere before, ſhould repeale or make void the ſtatute of the 18. *Henry* 6. made ſo long after. The rule of Law is, that *Leges poſteriores priores abrogant*, that latter lawes repeale former: But by this conſtruction a former Law ſhould repeale and make void a *Non ens*; a ſtatute then was not.

If this were Law, then all the ſtatutes that made any new Treaſon after the firſt yeere of *Henry* the fourth, were void in the very fabricke, and at the time when they were made; hence likewiſe it would follow, that the Parliament, now upon what occaſion ſoever, hath no power to make any thing Treaſon not declared to be ſo in the ſtatute of the five and twentieth yeere of *Edward* the third; This your Lordſhips eaſily ſee would make much for my Lord of

Straffords advantage; but why the Law ſhould be ſo, your Lordſhips as yet have onely heard an affirmation of it, no reaſon.

But ſome touch was given, that this ſtatute of the tenth yeer of *H.* the ſeventh, in words makes all the Iriſh ſtatutes void, which are contrary to the Engliſh. The Anſwer to this, is a deniall that there are any ſuch words in the ſtatute: This ſtatute declares, that the Engliſh ſtatutes ſhall be effectuall and confirmed in *Ireland*, and that all ſtatutes, before time, made to the contrary ſhall be revoked: this repeales onely the Iriſh ſtatutes of the tenth yeere of *Henry* the fourth, and the nine and twentieth yeere of *Henry* the ſixth, which ſay that the Engliſh ſtatutes ſhall not be in force in *Ireland*, unleſſe particularly received in Parliament; It makes all the Iriſh ſtatutes void, which ſay that the Engliſh ſtatutes ſhall not be in force there.

It is uſuall when a Statute ſaith, that ſuch a thing ſhall be done or not done, to adde further that all ſtatutes to the contrary ſhall be voide.

No likeli-hood that this ſtatute intended to take away any ſtatute of Treaſon; When but in the Chapter next before this, Murder there is made Treaſon, as if done upon the Kings Perſon.

That this ſtatute of the eighteenth yeer of *Henry* the ſixth remains on foot and not repealed, either by the Statute of the eighth yeere of *Edward* the fourth, or this of the tenth yeere of *Henry* the ſeventh, appeares expreſſely by two ſeverall Acts of Parliament, made at the ſame Parliament of the tenth yeere of *Henry* the ſeventh.

By an Act of Parliament in *H.* the ſixth's time, in *Ireland*, it was made Treaſon for any man to procure a privie Seale, or any other Command whatſoever, for apprehending any perſon in *Ireland* for Treaſon done without that Kingdome, and to put any ſuch Command in execution; Divers had been attainted of Treaſon for executing ſuch Commands: Heere is a Treaſon ſo made by Act of Parliament in *Henry* the ſixth's time: In the third Chapter of this Parliament of the tenth of *Henry* the ſeventh, an Act is paſſed for no other end, then to repeale this ſtatute of *Henry* the ſixth, of Treaſon.

If this ſtatute of *Henry* the ſixth of Treaſon, had been formerly repealed by the ſtatute of 8. *Edward* 4. or then by the two and twentieth Chapter of this Parliament of 10. *Henry* 7. by bringing in the Engliſh ſtatutes, the Law-makers were much miſtaken, now to make a particular Act of Parliament to repeale it, it being likewiſe ſo unreaſonable an Act as it was.

In the eighth Chapter of this Parliament, of the tenth of *Henry* the ſeventh; It is enacted, That the ſtatutes of *Kilkenny* and all other ſtatutes made in *Ireland* (two onely excepted, whereof this of the eighteenth of *Henry* the ſixth is none) for the Common-weale ſhall be enquired off and executed. My Lord of *Strafford* ſaith, that the bringing in of the *Engliſh* ſtatutes, hath repealed this ſtatute of the eighteenth yeere of *Henry* the ſixth; the Act of Parliament made the ſame time ſaith no; it ſaith that all the Iriſh ſtatutes, excepting two, whereof this is none, ſhall ſtill be in force.

Object. Oh! But how ever it was in 10. *H.* 7. yet it appeares by Judgement in Parliament afterwards, That this ſtatute of the eighteenth yeere of *Henry* the ſixth is repealed, and that is by the Parliament of the eleventh yeere of Queene *Elizabeth*, the ſeventh Chapter, *That by this Parliament it is enacted, that if any man without licenſe from the Lord Deputie, lay any Souldiers upon the Kings Subjects, if he be a Peere of the Realme, he ſhall forfeit one hundred pounds, if under the degree of a Peere*, 100 markes. This ſtatute, as is alleadged, declares the penalty of laying Souldiers upon the Subjects, to bee onely a hundred pounds; and therefore its not Treaſon.

Anſwer, My Lords, if the offence for which this penalty of one hundred pounds, is laid upon the offender, be for laying Souldiers, or leading them to doe any acts offenſive or invaſive upon the Kings people, The Argument hath ſome force; but that the offence is not for laying Souldiers upon the true Subjects, that this is not the offence intended in the ſtatute, will appeare to your Lordſhips, *Ex abſurdo*, from the words of it.

The words are, *That if any man ſhall aſſemble the people of the County together to conclude of peace, or warre; or ſhall carry thoſe people to doe any Acts offenſive or invaſive, then he ſhall forfeit one hundred pounds*; If concluding of warre and carrying the people to Acts invaſive, be againſt the Kings Subjects, this is high Treaſon within the words of the ſtatute of the five and twentieth yeere of *Edward* the third: For if any Subject ſhall aſſemble the people and conclude a warre, and accordingly ſhall lead them to invade the Subject, this is a levying of warre within the word of that ſtatute; and then the ſtatutes of the five and twentieth yeere of *Edward* the third, the firſt of *Henry* the fourth, and the firſt of Queene *Mary*, which the Earle of *Strafford* in his Anſwer deſires to be tryed by, are as well repealed in this point, as the ſtatute of the eighteenth yeere of *Henry*

the ſixth, he might then without feare of Treaſon have done what he pleaſed with the Iriſh Army; for all the ſtatutes of levying war, by this ſtatute of the eleventh yeer of Queene *Elizabeth* were taken out of his way.

In *Ireland* a Subject gathers forces, concludes a warre againſt the Kings people, actually invades them; bloodſhed, burning of houſes, Depredations enſue; two of thoſe, that is, murder and burning of houſes are Treaſon, and there the other felony; by this conſtruction the puniſhment of Treaſon and felony is turned onely into a fine of one hundred pounds; from loſſe of life, lands, and all his goods, onely to loſſe of part of his goods.

3 The third abſurdity; a warre is concluded, three ſeverall Inrodes are made upon the Subject; in the firſt, a hundred pound dammage; in the ſecond, five thouſand pounds dammage; in the third, ten thouſands pound dammage is done to the Subjects; the penalty for the laſt inrode is no more than for the firſt, onely one hundred pounds. This ſtatute by this conſtruction tells any man how to get his living without long labour.

Two parts of the hundred pounds is given to the King, a third part to the informer; here's no dammage to the Subject that is robbed and deſtroyed.

My Lords, the Statute will free it ſelfe and the makers of it from theſe abſurdities.

The meaning of this ſtatute is, *That if any Captaine ſhall of his own head conclude of peace or warr, againſt the Kings Enimies or Rebels*, or ſhall upon his owne head invade them, without warrant from the King, or the Lord Deputie of *Ireland*, that then he ſhall forfeit an hundred pounds.

The offence is not for laying of Souldiers upon the Kings people, but making of warre againſt the Iriſh Rebells without warrant; the offence is not in the matter, but in the manner, for doing a thing lawfull, but without miſſion.

1 This will appeare by the generall ſcope of the ſtatute, all the parts being put together.

2 By particular clauſes in the Statute.

3 By the Condition of that Kingdome at the time of the making of that ſtatute.

For the firſt, The preamble recites that in time of Declination of Juſtice under pretext of defending the Countrey and themſelves, di-

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vers great men arrogated to themſelves Regall authority under the names of Captaines, that they acquired to themſelves that government which belonged to the Crown. for preventing this Its enacted, that no man dwelling within the Shire grounds, ſhall thenceforth aſſume or take upon himſelfe the authority or name of a captaine within thoſe Shire grounds, without Letters Pattents from the Crowne, nor ſhall under colour of his captaine-ſhip make any demand of the people of any exaction, nor as a captaine aſſemble the people of the ſhire grounds; nor as a captaine ſhall lead thoſe people to doe any acts offenſive or invaſive without warrant under the great Seale of *England*, or of the Lord Deputy, upon penalty that if he do any thing contrary to that act, then the Offender ſhall forfeit an hundred pounds.

My Lords, the Rebels had been out, the courts of juſtice ſcarce ſate for defence of the countrey, diverſe uſurped the place of Captaines, concluded of warre againſt the Rebels and invaded them without warrant; invading the Rebels without authority is the crime.

2. This appeares further by the particular clauſes in the ſtatute; None ſhall exerciſe any captaine-ſhip within the ſhire grounds, nor aſſemble the men of the ſhire grounds to conclude of warre, or lead them to any invaſion.

That that had anciently beene ſo continued to this time, that is, the Iriſh and the *Engliſh* pale, they within the ſhire grounds were within the *Engliſh* pale, and *ad fidem & legem Angliæ*; the Iriſh that were without the pale were enimies alwayes either in open act of hoſtility or upon leagues, and hoſtages given for ſecuring the peace. And therefore as here in *England*, we had our marches upon the frontiers in *Scotland* and *Wales*, ſo were their Marches betweene the *Engliſh* and Iriſh pale, where the inhabitants held their Lands by this tenure to defend the Countrey againſt the Iriſh, as appeares in the cloſe Rols of the Tower in the twentieth yeere of *Edward* the third, *membrand* 15. on the backſide; and in an Iriſh Parliament held the 42. yeere of *Edward* the 3. Its declared, that the Engliſh pale was almoſt deſtroyed by the Iriſh enimies, and that there was no way to prevent the danger, but onely that the owners reſide upon their Lands for defence, and that abſence ſhould bee a forfeiture. This act of Par-

liament in a great counſell here was affirmed, as appeares in the cloſe Roll, the 22. yeere of *Edward* the third, *membra.* 20. dorſe.

Afterwards as appeares in the Statute of the 28. yeere of *Henry* the 6. in *Ireland*, this hoſtility continued betweene the Engliſh marches and the Iriſh enemies, who by reaſon there was no difference betweene the Engliſh marches and them, in their apparell, did daily not being knowne to the Engliſh, deſtroy the Engliſh within the pale. Therefore its enacted, that every *Engliſhman ſhall ſhave the haire of his upper lip, for diſtinction ſake.* This hoſtility continued, till the 10. yeere of *Henry* the 7. as appeares by the Statute of the tenth of *Henry* the 7. the 17. Chapter; and ſo ſucceſſively downeward, till the making of this very ſtatute of the 11. yeere of Queene *Elizabeth*, as appeares fully in the ninth chapter.

Nay immediately before, and at the time of the making of this ſtatute, there was not onely enmity betweene thoſe of the Shire grounds; that is, the Engliſh and Iriſh pale; but open Warre and Acts of hoſtility, as appeares by Hiſtory of no leſſe authority, then that ſtatute it ſelfe. For in the firſt Chapter of this ſtatute is the Attainder of *Shane O Neale*, who had made open Warre, was ſlaine in open Warre. It's there declared, that he had gotten by force all the North of *Ireland*, for an hundred and twenty miles in length, and above a 100. in breadth; that hee had maſtered divers places within the *Engliſh* pale. When the flame of this warre by his death immediately before this ſtatute was ſpent, yet the fire-brands were not all quenched; for the rebellion was continued by *Iohn Fitz Gerard* called the white Knight, and *Thomas Queverford*: This appeares by the Statute of the 13. yeere of Queene *Elizabeth* in *Ireland*, but two yeeres after this of the eleventh yeere of Queene *Elizabeth*, where they are attainted of high treaſon, for levying Warre this eleaventh yeere, wherein this Statute was made.

So that my Lords, immediately before, and at the time of the making of this Statute, there being Warre betweene thoſe of the Shire grounds mentioned in this ſtatute, and the Iriſh, the concluding of Warre, and Acts offenſive and invaſive there mentioned, can bee intended againſt no others, but the Iriſh enemies.

Againe

Againe the words of the ſtatute are; no captaine ſhall aſſemble the people of the Shire grounds to conclude of peace or warre: Is it to bee preſumed that thoſe of the Shire grounds will conclude of Warre againſt themſelves? nor ſaith the ſtatute ſhall carry thoſe of the Shire grounds to doe any Acts invaſive; by the conſtruction which is made on the other ſide, they muſt be carried to fight againſt themſelves.

Laſtly the words are; As captaine, none ſhall aſſume the name or authority of a captaine, or as a captaine ſhall gather the people together, or as a captaine lead them. The offence is not in the matter, but in the manner: If the acts offenſive were againſt the Kings good Subjects, thoſe that went under command were puniſhable, as well as the Commanders; but in reſpect, the Souldiers knew the ſervice to bee good in it ſelfe being againſt the enemies, and that it was not for them to diſpute the authority of their commanders, the penalty of a 100. pounds is laid onely upon him, that as Captaine ſhall aſſume this power without warrant: The people commanded are not within the Statute.

My Lords, the logicke whereupon this argument hath been framed ſtands thus; Becauſe the ſtatute of the eleventh yeere of Queene *Elizabeth* inflicts a penalty of a 100. pound, and no more upon any man, that as a captaine without warrant, and upon his owne head ſhall conclude of, or make Warre againſt the Kings enemies: therefore the ſtatute of the 18. yeere of *Henry* the ſixth is repealed, which makes it Treaſon to lay ſouldiers upon, or to levie war againſt the Kings good people.

But my Lords, obſervation hath been made upon other words of this ſtatute, that is, that without licence of the Deputy, theſe things cannot be done: This ſhewes, that the Deputy is within none of the ſtatutes.

My Lords, this Argument ſtands upon the ſame reaſon with the former, becauſe hee hath the ordering of the Army of *Ireland* for the defence of the people, and may give warrant to the Officers of the Army, upon eminent occaſions of invaſion, to

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reſiſt or proſecute the enimy, becauſe of the danger that elſe might enſue forthwith by ſtaying for a warrant from his Majeſty out of *England*; Therefore it is no Treaſon in the Deputy to imploy the Army in *Ireland*, whenſoever hee pleaſeth, for the ſubverſion of the Kings good people, and of the Lawes.

My Lords, the ſtatute of the tenth yeere of *Henry* the ſeventh the 17. Chapter touched upon for this purpoſe, cleares the buſineſſe in both points; for there it is declared, that none ought to make warre upon the Iriſh rebels and enimies, without warrant from the Lieutenant, the forfeiture a 100 pounds as here the ſtatute is the ſame with this, and might as well have beene cited for repealing the ſtatute of the eighteenth yeere of *Henry* the 6. as this of the 11. yeere of Queene *Elizabeth*: but if this had been inſiſted upon, it would have expounded the other two cleare againſt him.

Object. My Lords, it hath been further ſaid, although the ſtatute be in force, and there be a Treaſon within it, yet the Parliament hath no juriſdiction; the Treaſons are committed in *Ireland*, therefore not triable here.

Anſw. My Lords, Sir *Iohn Perrot* his predeceſſors in the 24. yeere of Queene *Elizabeth* was tried in the Kings bench for Treaſon done in *Ireland*, when he was Deputy; *Orucke* in the 33. yeere of Queene *Elizabeth* judged heere for Treaſon done *Ireland*.

Object. But it will be ſaid, theſe trials were after the ſtatute of the 34. yeere of *Henry* the eight, which enacts, that treaſons beyond ſea may be tried in *England*.

Anſw. My Lords, his predeceſſor my Lord *Gray* was tried and adjudged here in the Kings bench, that was in Trinity terme in the 33. yeere of *Henry* the eighth, this was before the making of that ſtatute.

Object. To this againe will be ſaid, that it was for Treaſon by the Lawes and ſtatutes of *England*; but this is not for any thing, that's Treaſon by the Law of *England*, but by an Iriſh ſtatute.

So that the queſtion is onely, whether your Lordſhips in Parliament here have cogniſance of an offence made treaſon by an Iriſh

Iriſh ſtatute in the ordinary way of judicature without bill, for ſo is the preſent queſtion.

For the clearing of this, I ſhall propound two things to your Lordſhips conſideration:

1. Whether the rule for expounding the Iriſh Statutes and cuſtomes bee one, and the ſame in *England*, as in *Ireland*.

2. That being admitted, whether the Parliaments in *England* have cognizance or juriſdiction of things there done in reſpect of the place, becauſe the Kings writ runnes not there.

For the firſt, if in reſpect of the place, the Parliament here hath cognizance there; And ſecondly, if the rules for expounding the *Iriſh* ſtatutes and Cuſtomes bee the ſame here as there, this exception as I humbly conceive, muſt fall away:

In *England* there is the common law, the ſtatutes, the acts of Parliament, and cuſtomes peculiar to certaine places, differing from the common Law; if any queſtion ariſe concerning either a cuſtome or an act of Parliament, the common Law of *England*, the firſt, the primitive and the generall Law, that's the rule and expoſitour of of them and of their ſeverall extents; it is ſo here, it is ſo in *Ireland*; the common Law of *England* is the common Law of *Ireland* likewiſe; the ſame here and there in all the parts of it.

It was introduced into *Ireland* by King *Iohn*, and afterwards by King *Henry* the third by act of Parliament held in *England*, as appeares by the pattent Rolls of the 30 yeere of King *Henry* the third, the firſt *membranâ*. The words are, *Quia pro communi utilitate terræ Hiberniæ, & unitate terrarum Regis, Rex vult, & de communi conſilio Regis proviſum eſt, quòd omnes leges & conſuetudines quæ in regno Angliæ tenentur, in Hibernia teneantur, & eadem terræ eiſdem legibus ſubjaceat, & per eaſdem regatur, ſicut Dominus* Johannes *Rex cum ultimò eſſet in Hibernia, ſtatuit, & fieri mandavit. Quia, &c. Rex vult quod omnia brevia de*

 communi

communi Jure quæ currunt in Angliâ, similiter currant in Hibernia ſub novo ſigillo Regis, mandatum eſt Archiepiſcopis, &c. quod pro pace & tranquillitate ejuſdem terræ, per eaſdem leges eos regi & deduci permittant, & eas in omnibus ſequantur. In cujus, &c. Teſte Rege, apud Woodſtock, decimo nono die Septembris.

Here's an union of both Kingdomes, and that by act of Parliament, and the ſame Lawes to be uſed heere as there, *in omnibus.*

My Lords, That nothing might be left here for an exception, that is, that in treaſons, felonies, and other capitall offences concerning life, the Iriſh lawes are not the ſame as here. Therefore it is enacted in a Parliament held in England in the 14. yeere of *Edward* the ſecond (it is not in print neither, but is in the Parliament booke) That the Lawes concerning life and member ſhall be the ſame in Ireland, as in England.

And that no exception might yet remaine, in a Parliament held in England, the fifth yeere of *Edward* the third, It is enacted: *quod una & eadem Lex fiat tam Hibernicis, quam Anglicis.* This act is enrolled in the Patent rolls of the fifth yeere of *Ed.* the 3. *part.* 1. *membr.* 25.

The Iriſh therefore receiving their Lawes from hence, they ſend their Students at Law to the Innes of Courts in England, where they receive their degree; and of them, and of the common Lawyers of this kingdome, are the Judges made.

The petitions have been many from Ireland, to ſend from hence ſome Judges more learned in the Lawes then thoſe they had there.

It hath been frequent in caſes of difficulty there, to ſend ſome times to the Parliament here, ſometimes to the King by advice from the Judges here, to ſend them reſolutions of their doubts: Amongſt many I'll cite your Lordſhips onely one, becauſe it is in a caſe of treaſon upon an Iriſh ſtatute, and therefore full to this point.

By a Statute there made in the fifth yeere of *Edward* the fourth, there is proviſion made for ſuch, as upon ſuggeſtions

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are committed to priſon for Treaſon, that the party committed, if he can procure 24. Compurgators, ſhall be bailed, and let out of priſon.

Two Citizens of *Dublin* were by a grand Jury preſented to have committed Treaſon; They deſired the benefit of this ſtatute, that they might be let out of priſon upon tender of their Compurgators. The words of the Statute of the 5. yeere of *Ed.* the fourth in Ireland being obſcure, the Judges there not being ſatisfied what to doe, ſent the caſe over to the Queene deſired the opinion of the Judges here; which was done accordingly: The Judges here ſent over their opinion, which I have out of the Book of Juſtice *Anderſon*, one of the Judges conſulted withall. The Judges here delivered opinion upon an Iriſh Statute in caſe of Treaſon.

If it be objected, That in this caſe the Judges here did not judge upon the party; their opinions were only *ad informandam conſcientiam* of the Judges in Ireland; that the judgement belonged to the Judges there.

My Lords, with ſubmiſſion, this and the other Authorities prove that for which they were cited; that is, That no abſurdity, no failer of juſtice would enſue, if this great Judicatory ſhould judge of Treaſon ſo made by an Iriſh Statute.

The common Law, the rule of judging upon an Iriſh Statute, the Pleas of the Crowne for things of life and death, are the ſame here and there. This is all that hath yet beene offered.

For the ſecond point, That England hath no power of Judicature for things done in *Ireland*; My Lords, the conſtant practice of ages proves the contrary.

Writs of errour in Pleas of the Crowne, as well as in civill cauſes, have in all Kings reignes been brought here, even in the inferiour Courts of Weſtminſter Hall, upon judgements given in the courts of Ireland: The practice is ſo frequent, and ſo well known, as that I ſhall cite none of them to your Lordſhips: no preſident will (I beleeve) bee produced to your Lordſhips, that ever the caſe was remanded back againe into Ireland; becauſe the queſtion

roſe upon an Iriſh Statute, or cuſtome.

Object. But it will bee ſaid, That writs of errour are onely upon a failer of juſtice in Ireland; and that ſuits cannot originally bee commenced here for things done in Ireland, becauſe the Kings writ runs not in Ireland.

Anſw. This might be a good plea in the Kings Bench, and inferiour Courts at Weſtminſter Hall; the queſtion is, whether it bee ſo in Parliament. The Kings writ runs not within the County Palatine of Cheſter and Durham, nor within the five Ports; neither did it in Wales before the union in *Henry* the eighth's time; after the Lawes of England were brought into Wales in King *Edward* the firſt's time, ſuits were not originally commenced in Weſtminſter Hall, for things done in them, yet this never excluded the Parliament: ſuits for life, lands, and goods within thoſe juriſdictions are determinable in Parliament, as well as in any other parts of the Realme.

Ireland, as appeares by the ſtatute of the thirtieth yeere of *Henry* the third, before mentioned, is united to the Crowne of England.

By the Statute of the eight and twenty yeere of *Henry* the ſixth in *Ireland*, it is declared in theſe words; That *Ireland* is the proper Dominion of England, and united to the Crown of England, which Crowne of England is of it ſelfe, and by it ſelf, fully, wholly, and entirely endowed with all power and authority ſufficient to yeeld to the ſubjects of the ſame full and plenary remedy, in all debates and ſuits whatſoever.

By the Statute of the 33. yeere of *Henry* the eighth, the firſt Chapter, when the Kings of England firſt aſſumed the title of King of *Ireland*, it is there enacted, That *Ireland* ſtill is to bee held as a Crowne annexed and united to the Crowne of England.

So that by the ſame reaſon, from this, that the Kings writ runs not in *Ireland*, it might aſwell be held, that the Parliament cannot originally hold plea of things done within the County Palatine of Cheſter and Durham, nor

within

within the five Ports and Wales; *Ireland* is part of the Realme of England, as appeares by thoſe ſtatutes, as well as any of them.

This is made good by conſtant practice. In all the Parment rolls, from the firſt to the laſt, there are receivers and tryers of petitions appointed for *Ireland*. For the Iriſh to come ſo farre with their petitions for juſtice, and the Parliament not to have cognizance, when from time to time they had in the beginning of the Parliament appointed receivers and tryers of them, is a thing not to be preſumed.

An appeale in *Ireland* brought by *William* Lord *Veſcye* againſt *John Fitz Thomas* for treaſonable words there ſpoken, before any Judgement given in the caſe there, was removed into the Parliament in England, and there the defendant acquitted, as appeares in the Parliament pleas of the two and twentieth yeere of *Edward* the firſt.

The ſuits for lands, offices, and goods, originally begun here, are many; and if queſtion grew upon matter in fact, a Jury uſually ordered to try it, and the verdict returned into Parliament, as in the caſe of one *Balliben*, in the Parliament of the five and thirtieth yeere of *Edward* the firſt. If doubt aroſe upon a matter tryable by Record, a writ went to the Officers in whoſe cuſtody the Record remained, to certifie the Record, as was in the caſe of *Robert Bagot* the ſame Parliament of the five and thirtieth yeere of *Edward* the firſt, where the writs went to the Treaſurer and Barons of the Exchequer.

Sometimes they gave judgement here in Parliament, and commanded the Judges there in *Ireland* to doe execution, as in the great caſe of Partition betweene the copartners of the Earle Marſhall, in the Parliament of the 32. yeere of *Edward* the firſt, where the writ was awarded to the Treaſurer of Ireland.

My Lords, The Lawes of Ireland were introduced by the Parliaments of England, as appeares by three Acts of Parliament before cited.

It is of higher juriſdiction *dare Leges*, then to judge by them.

The Parliaments of England doe binde in Ireland, if Ireland be particularly mentioned, as is reſolved in the Book caſe of the firſt yeere of *Henry* the ſeventh, *Cokes* ſeventh Report, *Calvins* caſe, and by the Judges in Trinity Terme, in the three and thirtieth yeere of Queene *Elizabeth*: The Statute of the eighth yeere of *Edward* the fourth, the firſt Chapter in Ireland recites, that it was doubted amongſt the judges, whether all the Engliſh Statutes, though not naming Ireland, were in force there; if named, no doubt.

From King *Henry* the third his time downward to the eighth yeere of Queene *Elizabeth* (by which ſtatute it is made felony to carry ſheepe from Ireland beyond ſeas) in almoſt all theſe Kings reignes, there be ſtatutes made concerning Ireland.

The exerciſing of the *Legiſlative* power there over their lives and eſtates, is higher then of the Judiciall in queſtion. Vntill the nine and twentieth yeere of *Edward* the third, erroneous judgements given in Ireland, were determinable no where, but in England; no, not in the Parliaments of Ireland, as it appeares in the cloſe rolls in the Tower. In the nine and twentieth yeere of *Ed.* the third, *mem.* 12. Power to examine and reverſe erroneous judgements in the Parliaments of Ireland is granted from hence; Writs of errour lie in the Parliament here upon erroneous judgements after that time given in the Parliaments of Ireland, as appeares in the Parliament rolls of the eighth yeere of *Henry* the ſixth, *membra.* 70. in the caſe of the Prior of Lenthan. It is true, the caſe is not determined there, for it's the laſt thing that came into the Parliament, and could not be determined for want of time; but no exception at all is taken to the juriſdiction.

The Acts of Parliament made in Ireland have been confirmed in the Parliaments of England, as appeares by the cloſe rolls in the Tower, in the 42. yeere of *Edward* the 3. *membra.* 20. *dorſo*; where the Parliament in Ireland, for the preſervation of the Countrey from the Iriſh, who had almoſt deſtroyed it, made an Act, that all the land-owners, that were

Engliſh

Engliſh ſhould reſide upon their lands, or elſe they were to be forfeited: this was here confirmed.

In the Parliament of the 4. yeere of *H.* the 5. *chap.* 6. Acts of Parliament in Ireland are confirmed, and ſome priviledges of the Peeres in the Parliaments there are regulated.

Power to repeale Iriſh Statutes, power to confirme them, cannot be by the Parliament here, if it hath not cognizance of their Parliaments; unleſſe it be ſaid, That the Parliament may doe, it knowes not what.

Garneſey *and* Jerſey are under the Kings ſubjection, but are *not parcels* of the Crown of England, but of the dutchy of Normandy; they are not governed by the lawes of England, as Ireland is; and yet Parliaments in England have uſually held plea of, and determined all cauſes concerning land, or goods. In the Parliament of 33. *E.* 1. there be *placita de Inſula Jerneſey*; and ſo in the Parliament 14. *E.* 2. and ſo for Normandy and Gaſcoyne; and alwayes as long as any part of France was in ſubjection to the Crown of England, there were at the beginning of Parliaments, receivers and tryers of petitions for thoſe parts appointed.

I beleeve your Lordſhips will have no caſes ſhewed of any plea to the juriſdiction of the Parliaments of England, in any thing done, in any parts whereſoever, in ſubjection to the Crown of England.

The laſt thing I ſhall offer to your Lordſhips is the caſe of 19. *El.* in my Lord *Dyer* 306. and Judge *Comptons* book *of the juriſdiction of Courts, fol.* 23. The opinion of both theſe books is, that an Iriſh Peere is not triable here. It's true, a Scotiſh or French Nobleman is triable here as a common perſon; the Law takes no notice of their Nobility, becauſe thoſe Countryes are not governed by the Lawes of England; but Ireland being governed by the ſame Lawes, the Peeres there are triable according to the Law of England, onely *per pares.*

By the ſame reaſon the Earle of Strafford, not being a peere of Ireland, is not triable by the Peeres of Ireland; ſo that if he be not triable here, he is triable no where.

My Lords, In caſe there be a Treaſon and a Traitor within the ſtatute, and that he be not triable here for it in the ordinary

way,

way of judicatory, if that juriſdiction failes, this by way of Bill doth not; Attainders of Treaſon in Parliament are as legall, as uſuall by Act of Parliament, as by Judgement.

I have now done with the ſtatutes of 25. *E.* 3. and 18. *H.* 6. My Lord of Strafford hath offended againſt both the Kingdomes, and is guilty of high Treaſon by the Lawes of both.

5 My Lords, In the fifth place I am come to the Treaſons at the common Law, the endevouring to ſubvert the fundamentall Lawes and government of the Kingdome, and to introduce an arbitrary and tyrannycall government.

In this I ſhall not at all labour to prove, that the endevouring by words, counſells, and actions to ſubvert the Lawes, is treaſon at the common Law, if there be any common-Law-treaſons at all left; nothing treaſon, if this not, to make a Kingdome no Kingdome: take the politie and government away, England's but a peece of earth, wherein ſo many men have their commorancy and abode, without rancks or diſtinction of men, without property in any thing further then poſſeſſion; no Law to puniſh the murdering or robbing one another.

That of 33 *H.* 8. of introducing the Imperiall Law, ſticks not with your Lordſhips: It was in caſe of an appeal to Rome: Theſe appeals in caſes of marriages, and other cauſes counted Eccleſiaſticall, had been frequent, had in moſt Kings reignes been tollerated; ſome in times of popery put a conſcience upon them, the ſtatutes had limitted the penally to a *Premunire* only: Neither was that a totall ſubverſion, only an appeal from the Eccleſiaſticall Court here in a ſingle cauſe to the Court at Rome; and if treaſon or not, that caſe proves not; a treaſon may be puniſhed as a felony, a felony as a treſpaſſe, if his Majeſty ſo pleaſe; the greater includes the leſſer: *In* the caſe of *Premunire* in the Iriſh reports, that which is there declared to be treaſon, proceeded upon onely as a *Premunire*.

The thing moſt conſiderable in this is, whether the treaſons at common Law be taken away by the Statute of 25. *E.* 3. 1. *H.* 4. or 1. *Q. M.* or any of them.

My Lord, to ſay they be taken away by the Stat. of 25. *E.* 3. is to ſpeak againſt the direct words and ſcope of that Statute.

In

In it there's this clauſe, *That becauſe many other like caſes of treaſon might fall out, which are not there declared, therefore it is enacted, That if any ſuch caſe come before the Judges, they ſhall not proceed to Judgement till the caſe be declared in Parliament, whether it ought to be adjudged treaſon, or not.*

Theſe words, and the whole ſcope of that Statute ſhewes, that it was not the meaning to take away any treaſons that were ſo before, but only to regulate the juriſdiction and manner of triall. Thoſe that were ſingle and certaine Acts, as conſpiring the Kings death, levying war, counterfeiting the money, or great Seale, killing a Judge, theſe are left to the ordinary Courts of juſtice; the others not depending upon ſingle Acts, but upon conſtructions and neceſſary inferences, they thought it unfit to give inferiour Courts ſo great a latitude here, as too dangerous to the ſubject; thoſe they ſtrained to Parliaments.

This ſtatute was the ſecurity of the ſubject, made with ſuch wiſedome as all the ſucceeding ages have approved it; It hath often paſſed through the furnace, but, like gold, hath loſt little or nothing.

The ſtatute of 1. *H.* 4 *cap.* 10. is in theſe words, *Whereas in the Parliament held the* 21 *yeere of* Richard *the* 2. *divers pains of treaſons were ordained, inſomuch, that no man did know how to behave himſelfe, to doe, ſay, or ſpeake, It is accorded, that in no time to come any treaſon be adjudged otherwiſe then it was ordained by the Statute of* 25. *E.* 3.

It hath been ſaid, to what end is this ſtatute made, if it takes not away the common Law treaſons remaining after the ſtatute of 25. *Edward* 3.

There be two maine things which this ſtatute doth: Firſt it takes away for the future all the treaſons made by any ſtatute ſince 25. *E.* 3. to 1. *H.* 4. even to that time: For, in reſpect that by another Act in that Parliament, the ſtatute of 21. *R.* 2. was repealed, it will not be denied, but that this ſtatute repeals more treaſons then theſe of 21. *R.* 2. it repeals all ſtatute treaſons but thoſe in 25. *E.* 3.

Secondly, It not only takes away the ſtatute treaſons, but like-ſe the declared treaſons in Parliament after 25. *E.* 3. as to the re. After declaration in Parliament the inferior Courts might theſe treaſons; for the declaration of a treaſon in Parlia-er it was made, was ſent to the inferior Courts, that *ſtories* like caſe fell out, they might proceed therein: the ſub-

ject

ject for the future was ſecured againſt theſe; ſo that this ſtatute was of great uſe.

By the very words of it, it ſtill refers all treaſons to the proviſion of 25. *E.* 3. it leaves that entire and upon his old bottome.

The ſtatute of 1. *Q. M. cap.* 1. ſaith, *That no offences made treaſon by any Act of Parliament, ſhall thenceforth be taken or adjudged to be treaſon, but onely as be declared and expreſſed to be treaſon, by the ſtatute of* 25. E. 3. *concerning treaſon, or the declaration of treaſon and no others: And further provides that no pains of death, penalty, or forfeiture, in any wiſe ſhall enſue for committing any treaſon, other then ſuch as be in the ſtatute of* 25. E. 3. *ordained and provided; any Acts of Parliament or any declaration, or matter to the contrary, in any wiſe notwithſtanding.*

By the firſt part of this ſtatute, onely offences made treaſon by Act of Parliament are taken away, the Common Law treaſons are no way touched: The words (*and no others*) referre ſtill to offences made treaſon by Act of Parliament; they reſtrain not to the treaſons onely particularly mentioned in the ſtatute of 25 *E.* 3. but leaue that ſtatute entire as to the Common-law treaſon, as appears by the words immediatly foregoing.

By the ſecond part, for the pains and forfeitures of treaſons, if it intend onely the puniſhment of treaſon, or if it intend both treaſon and puniſhment, yet all is referred to the proviſion and ordinance of 25. *E.* 3. any Act of Parliament, or other declaration, or thing notwithſtanding.

It ſaith not, other then ſuch penalties, or treaſons as are expreſſed and declared in the ſtatute of 25. *E.* 3. that might perhaps have reſtrained it to thoſe that are particularly mentioned: No, it refers all treaſons to the general ordination and proviſion of that ſtatute, wherein the Common-law-treaſons are expreſly kept on foot.

If it be askt what good this ſtatute doth, if it take not away the the Common-law-treaſons.

1. It takes away all the treaſons made by Act of Parliament, not only ſince the firſt of *H.* 4. which were many, but all before 1. *H.* 4. even untill 25. *E.* 3. by expreſſe words.

2. By expreſſe words, it takes away all declared treaſons any ſuch had been made in Parliament, theſe for the futu likewiſe taken away; ſo that whereas it might have been d whether the ſtatute of 1. *H.* 4. took away any treaſons of 21. and 22. *R.* 2. this clears it both for treaſons ma

liament, or declared in Parliament, even to the time of taking the statute.

This is of great use, of great security to the subject; so that as to to what shall be treason, and what not, the statute of 25. E. 3. remains entire, and so by consequence the treasons at the Common Law.

Only, my Lords, it may be doubted, whether the manner of the manner of the Parliamentary proteedings be not altered by the statnte of 1. Hen. 4. the 17. *cap.* and more fully in the Parliament roll num. 144. that is, whether since that statute the Parliamentary power of declaration of treasons, whereby the inferiour Courts received jurisdiction, be not taken away and restrained only to Bill; that so it might operate no further, than to that particular contained in the Bill; that so the Parliamentary declarations for after times should be kept within the Parliament it selfe, and be extended no further. Since 1. *H.* 4. we have not found any such declarations made, but all Attainders of treason have been by Bill.

If this be so, yet the common-Law-treasons still remaining, there is one and the same ground of reason and equity since 1. *H.* 4. for passing of a Bill of treason, as was before for declaring it without Bill.

Herein the *Legislative* power is not used against my Lord of *Strafford* in the Bill; it is only the jurisdiction of the Parliament.

But, my Lords, because that either through my mistaking of the true grounds and reasons of the Commons, or my not pressing of them with apt arguments and presidents of former times; or that perchance your Lordships from some other reasons and authorities more swaying with your Lordships judgements, then these from them, may possible be of a contrary and dubious opinion concerning these treasons, either upon the statutes of 25. *E.* 3. and 18. *H.* 6. or at the Common Law.

My Lords, if all these five should faile, they have given me further in command to declare to your Lordships some of their reasons, why they conceive that in this case the meere *Legaslative* power may be exercised.

Their reasons are taken from these three grounds:

1. From the nature and quality of the offence.
2. *From the frame and constitution of the Parliament wherein* [illegible]*aw is made.*
[illegible]om practices and usages of former times.
[illegible]*orridnesse of the offence in endeavouring the overthrow-* [illegible]*wes and present government*, hath been fully opened

 to

to your Lordſhips heretofore.

The Parliament is the repreſentation of the whole Kingdome, wherein the King as Head, your Lordſhips as the more noble, and the Commons the other members, are knit together in one body politick: This diſſolves the arteries and ligaments that hold the Body together, the Lawes: He that takes away the Lawes, takes not away the allegeance of one ſubject alone, but of the whole Kingdome.

It was made Treaſon by the ſtatute of 13. *El.* for her time, to affirme, That the Lawes of the Realme doe not bind the deſcent of the Crowne; no Law, no deſcent at all.

No Lawes, no Peerage, no ranks or degrees of men; the ſame condition to all.

It's treaſon to kill a Judge upon the Bench; this kills not *Judicem, ſed Judicium:* He that borrowed *Apelles*, and gave bond to return again *Apelles* the Painter, ſent him home after he had cut off his right hand; his bond was broken, *Apelles* was ſent, but not the Painter. There be twelve men, but no law; there's never a Judge amongſt them.

Its felony to embezill any one of the judiciall records of the Kingdome; this at once ſweepes them all away, and from all.

Its treaſon to counterfeit a twenty ſhilling peece; here's a counterfeiting of the Law, we can call neither the counterfeit nor true coyne our owne.

Its treaſon to counterfeit the great Seale for an acre of land, no property hereby is left to any land at all. Nothing treaſon now, either againſt King or Kingdome, no Law to puniſh it.

My Lords, If the queſtion were asked in Weſtminſter Hall, whether this were a crime puniſhable in ſtarre-chamber, or in the Kings Bench, by fine or impriſonment, they would ſay, it went higher: If whether felony, they would ſay? That's for an offence *onely* againſt the life, or goods of ſome one, or few perſons: It would, I beleeve, be anſwered by the Judges, as it was by the chiefe Juſtice *Thirning*, in 21. *R.* 2. That though he could judge the caſe treaſon there before him, yet if he were a Peere in Parliament, he would ſo adjudge it.

My Lords, if it be too big for thoſe Courts, we hope its in the right way here.

2. The ſecond conſideration is from the frame and conſtitution of the Parliament; the Parliament is the great body politick comprehends all from the King to the begger: if ſo, my Lord naturall, ſo this body, it hath power over it ſelfe, and every o members for the preſervation of the whole: Its both th

and the patient: if the body be diſtempered, it hath power to open a veine to let out the corrupt blood for curing of it ſelfe; if one member be poyſoned and gangren'd, it hath power to cut it off for the preſervation of the reſt.

But, my Lords, it hath been often inculcated, that Law-makers ſhould imitate their ſupreme Law-giver, who commonly warnes before he ſtrikes; the Law was promulged before the judgement of death for gathering of ſticks; no Law, no tranſgreſſion.

My Lords, to this the rule of Law is, *Fruſtra Legis auxilium invocat, qui in Legem committit;* from the *Lex talionis*, he that would not have had others to have law, why ſhould he have any himſelfe? why *ſhould not* that be done to him, that himſelf would have done to others

It's true, we give law to Hares, and Deers, becauſe they be beaſts of Chaſe; it was never accounted either cruelty or foule play to knock Foxes and Wolves on the head, as they can be found; becauſe theſe be beaſts of prey: The Warrener ſets traps for Powlcats, and other Vermine, for preſervation of the Warren.

Further, my Lords, moſt dangerous diſeaſes, if not taken in time, they kill: Errors in great things, as Warre, and Marriage, they allow no time for repentance; it would have been too late to make a law, when there had been no law.

My Lords, for further anſwer to this objection, he hath offended a law, a law within, the endeavouring to ſubvert the lawes and polity of the State wherein he lived, which had ſo long, and with ſuch faithfulneſſe protected his Anceſtry, himſelfe, and his whole family; it was not *malum, quia prohibitum*, it was *malum in ſe*, againſt the dictates of the dulleſt conſcience, againſt the light of nature; they, not having the law, were a law to themſelves.

Beſides this, he knew a law without, that the Parliament in caſes of this nature had *poteſtatem vitæ & necis.*

Nay, he well knew, that he offended the promulged and ordinary rules of law: Crimes againſt Law have been proved, have been con-[illegible] ſo that the queſtion is not *de culpâ, ſed de pœnâ*, what degree [illegible] thoſe faults deſerve; we muſt differ from him in opi-[illegible]lonies cannot make a treaſon, if it be meant of [illegible]f the *Legiſlative* power: for hee that deſerves [illegible] felonies alone, deſerves a death more painfull, [illegible]us for all together.

[illegible]uniſhed with loſſe of life, lands, and goods; a [illegible]vated with thoſe circumſtances, as that the Par-

liament with good reaſon may adde to the circumſtances of puniſhment, as was done in the caſe of *John Hall*, in the Parliament 1. *H.* 4. who for a barbarous murder committed upon the Duke of Gloceſter, ſtifling him between two feather-beds at Calice, was adjudged to be hanged, drawn, and quartered.

Batteries by Law are puniſhable only by fine and ſingle dammages to the party wounded.

In the Parliament held in 1. *H.* 4. *cap.* 6. one *Savadge* committed a Battery upon one *Chedder*, ſervant to Sir *John Brook*, a Knight of the Parliament for Somerſetſhire; It's there enacted, that he ſhall pay double dammages, and ſtand convicted, if he render not himſelfe by ſuch a time: The manner of proceedings quickned, the penalty doubled, the circumſtances were conſidered, it concerned the Common-wealth; it was Battery with breach of priviledge of Parliament.

This made a perpetuall Act, no warning to the firſt offender; and in the Kings Bench, as appeares by the book caſe of 9. *H.* 4. the firſt leafe, double dammages were recovered.

My Lords, in this of the Bill, the offence is high and generall againſt the King and the Common-wealth, againſt *all* and the *beſt* of all.

If every felony be loſſe of life, lands, and goods what is miſuſer of the *Legiſlative* power, by addition of Ignominie in the death and diſpoſall of the lands to the Crowne, the publick patrimony of the Kingdome.

But it was hoped, that your Lordſhips had no more skill in the Art of killing of men, than your worthy Anceſters.

My Lords, this appeale from your ſelves to your Anceſters we admit of; although we doe not admit of that from your Lordſhips to the Peeres of Ireland.

He hath appealed unto them; your Lordſhips will bee pleaſed to hear what judgement they have already given in the caſe, that is, the ſeverall attenders of treaſon in Parliament, after the Statute of 25. *E.* 3. for treaſons not mentioned, without nor within that Statute, and thoſe upon the firſt offenders warning given.

By the Statute of 25. *E.* 3. its treaſon to levie wa[r] *Gomines* and *Weſton* afterwards in Parliament in[1] 39. adjudged traytors for ſurrendring two ſevera[l] only out of feare, without any compliance with t[he] within the Statute of 25. *E.* 3.

My Lords, in 3. *R.* 2. *John Imperiall* that can[not]

on letters of ſafe conduct, as an Agent for the ſtate of Genoa, ſitting in the Evening before his door in Breadſtreet, (as the words of the Records are) *paulo ante ignit egium*, *John Kirby* and another Citizen comming that way, caſually *Kirby* trode upon his Toe: it being twilight, this grew to a quarrell, and the Ambaſſador was ſlaine; *Kirby* was indicted of high treaſon, the indictment findes all this, and that it was only done *ſe defendendo*, and without malice. The Iudges, it being out of the ſtatute of 25. *E.* 3. could not proceede; the Parliament declared it treaſon, and judgement after wards of high treaſon, ther's nothing can bring this within the ſtatute of 25. *E.* 3. but *it concerns* the honour of the Nation, that the publick faith ſhould be ſtrictly kept: It might endanger the traffick of the kingdome; they made not a Law firſt, they made the firſt man an example. This is in the Parliament Roll, 3. *R.* 2. *num.* 18. and *Hilary* Terme, 3. *R.* 2. *Rot.* 31. in the Kings Bench, where judgement is given againſt him.

In 11. *R.* 2. *Treſilian*, and ſome others attainted of treaſon for delivering opinions in the ſubverſion of the Law, and ſome others for plotting the like: My Lords, the caſe hath upon another occaſion been opened to your Lordſhip only this is obſervable, That in the Parliament of the 1. yeere of *Henry* the third, where all treaſons are againe reduced to the Statute of 25. *Edward* 3. theſe Attainders were by a particular Act confirmed and made good, that the memory thereof might be tranſmitted to ſucceeding ages: They ſtand good to this day; the offences there, as here, were the endeavouring the ſubverſion of the lawes.

My Lords, after 1. *Henry* the fourth, Sir *John Mortimer* being committed to the Tower upon ſuſpition of treaſon, brake priſon, and made an eſcape: This no way within any Statute, or any former Judgement at common Law; for this, that is, for breaking the priſon onely, and no other cauſe, in the Parliament held the ſecond yeere of *Henry* the ſixth he was attainted of high treaſon by Bill.

My Lords, poyſoning is onely murder; yet one *Richard Coke* having put poyſon into a pot of potage, in the kitchin of the Biſhop of Rocheſter, whereof two perſons dyed, hee's attainted of Treaſon, and it was enacted that he ſhould be boyled to death by the ſtatute of 22. *H.* 8. *cap.* 9.

By the ſtatute of 25. *H.* 8. *Elizabeth Barton*, the holy maid of *Kent*, for pretending revelations from God, that God was highly diſpleaſed with the King for being divorced from the Lady *Katherine*, and that in caſe he perſiſted in the ſeparation, and ſhould marry another

this

that he would not continue King above one month after; becauſe this tended to the depriving of the lawfull ſucceſsion to the Crown, ſhe is attainted of Treaſon.

In the Parliament 2. and 3. *H.* 6. *cap.* 16. the Lord Admirall of England was attainted of Treaſon for procuring the Kings Letters to both Houſes of *Parliament*, to be good to the ſaid Earle in ſuch matters as he ſhould declare unto them, for ſaying that he would make the *Parliament* the blackeſt *Parliament* that ever was in England, endevouring to marry the Lady *Elizabeth* the Kings ſiſter, taking a bribe of *Sherrington*, accuſed of Treaſon, and thereupon conſulting with Counſell for him, and ſome other crimes, none of them Treaſon, ſo cleerely within the ſtatute of 25. *E.* 3. or any other ſtatute as is the caſe in queſtion.

My Lords, All theſe Attainders, for ought I know, are in force at this day; the ſtatutes of the 1. *H.* 4. and the 1. Queene *Mary*, although they were willing to make the ſtatute of the 25. yeere of *E.* 3. the Rule of the inferiour Courts, yet they left the Attainders in *Parliament* precedent to themſelves untoucht, wherein the *Legiſlative* power had been exerciſed. There's nothing in them whence it can bee gathered, but that they intended to leave it as free for the future.

My Lords, in all theſe Attainders, there were crimes and offences againſt the Law, they thought it not unjuſt, circumſtances conſidered, to heighten and adde to the degrees of puniſhment, and that upon the firſt offender.

My Lords, We receeive, as juſt, the other Lawes and ſtatutes made by theſe our Anceſters: They are the rules we go by in other caſes, why ſhould wee differ from them in this alone?

Theſe (my Lords) are in part thoſe things which have ſatisfied the Commons in paſsing the Bill: but it is now left to the Judgement and Juſtice of your Lordſhips.

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